

Lexington-Fayette Urban County Government  
OFFICE OF THE MAYOR

Jim Gray  
Mayor

December 5, 2014

Environmental Management Support, Inc.  
Attn: Mrs. Edie Findeis Cromwell  
8601 Georgia Avenue, Suite 500  
Silver Spring, MD 20910

Dear Mrs. Cromwell:

With this letter please find enclosed a Brownfields Cleanup Grant application submitted under RFP No. EPA-OSWER-OBLR-14-08.

a. Applicant Information

Lexington-Fayette Urban County Government  
Department of Environmental Quality and Public Works  
Division of Environmental Services  
9<sup>th</sup> Floor, Government Center  
200 East Main Street  
Lexington, KY 40507

b. DUNS Number 020428777

c. Funding Requested:

- i) Grant Type: Cleanup
- ii) Federal Funds Requested: \$200,000
- iii) Contamination: Hazardous Substances

d. Location: Lexington-Fayette County, Kentucky

e. Property Name:  
Fayette County Courthouse  
215 West Main Street  
Lexington, KY 40507

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[www.facebook.com/MayorJimGray](http://www.facebook.com/MayorJimGray)

[www.twitter.com/JimGrayLexKY](http://www.twitter.com/JimGrayLexKY)

f. Contacts

Project Director

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Division of Environmental Services  
Lexington-Fayette Urban County Government  
200 East Main Street, 9<sup>th</sup> Floor  
Lexington, KY 40507  
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Chief Executive

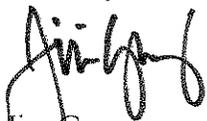
Jim Gray, Mayor  
Lexington-Fayette Urban County Government  
200 East Main Street  
Lexington, KY 40507  
Phone (859) 258-3100  
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[jgray@lexingtonky.gov](mailto:jgray@lexingtonky.gov)

- g. Date Submitted: December 18, 2014
- h. Project Period: Three years from date of award
- i. Population: 308,428 (U.S. Census, 2013 estimate)

The old Courthouse building, the pride of our community, was originally constructed in 1898 and served as our community's judicial center for over a century until a modern courthouse complex was completed in 2002. This building was then used as museum space until September 2012 when environmental issues forced its closure. The building has been assessed through Lexington's current EPA Brownfield Program Assessment Grant. Lead-based paint, mold, asbestos-containing materials, and guano were confirmed to be present at the Courthouse during the Phase II environmental site assessment (ESA). An Analysis of Brownfield Cleanup Alternatives has also been completed so Lexington is well positioned to move forward. This cleanup grant will assist us in redeveloping the Old Courthouse property and, in the process, transform our downtown.

Thank you for your review of this proposal.

Sincerely,



Jim Gray  
Mayor

Appendix 3  
Cleanup Other Factors Checklist

Name of Applicant: Lexington-Fayette Urban County Government

Please identify (with an X) which if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the evaluation process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
Community population is 10,000 or less.	
Federally recognized Indian tribe.	
United States territory.	
Applicant will assist a Tribe or territory.	
Targeted brownfield sites are impacted by mine-scarred land.	
Targeted brownfield sites are contaminated with controlled substances.	
Recent natural disaster(s) (2006 or later) occurred within community, causing significant community economic and environmental distress.	
Community is implementing green remediation plans.	
Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation.	
Community experienced manufacturing plant/power plant closure(s) (2008 or later) tied to the targeted brownfield sites or project area, including communities experiencing auto plant/power plant closures due to bankruptcy or economic disruptions.	
Recent (2008 or later) significant economic disruption ( <u>unrelated</u> to a natural disaster or manufacturing/auto plant/power plant closure) has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	
Applicant is one of the 12 recipients, or a core partner/implementation strategy party, of a "manufacturing community" designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, <b>applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation</b> which demonstrates either designation as one of the 12 recipients, or relevant pages from a recipient's IMCP proposal which lists/describes the core partners and implementation strategy parties. A core partner/implementation strategy party is a local partner organization/jurisdiction that will carry out the proposed strategy, as demonstrated in letters of commitment or memoranda of understanding which documents their	

	<p>contributions, roles, and responsibilities to the partnership. EDA may provide to EPA a list of the core partners/implementation strategy parties for each of the 12 “manufacturing community” designees, which EPA would use to verify this other factor.</p>	
o	<p>Applicant will serve an area designated as a federal, state, or local Empowerment Zone or Renewal Community. To be considered, <b>applicant must attach documentation</b> which demonstrates this current designation.</p>	
	<p>Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, <b>applicant must attach documentation.</b></p>	
	<p>Applicant is a HUD Promise Zone community. To be considered, <b>applicant must attach documentation.</b></p>	
	<p>Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.</p>	

Lexington-Fayette Urban County Government (LFUCG), Lexington, Kentucky  
FY 2015 Brownfield Cleanup Grant Narrative Proposal  
215 West Main Street, Lexington, Kentucky

RANKING CRITERIA FOR CLEANUP GRANTS

I. Community Need

a. Targeted Community- Known as the Horse Capital of the World, Lexington-Fayette County (a merged city-county government) is the center of Kentucky's Bluegrass Region. Lexington has a compact urban core which is surrounded by our picturesque rural landscape and rolling farmland. Our community has an aggressive planning program, having the oldest Urban Service Area growth boundary in the United States. This boundary, which protects Lexington-Fayette County's idyllic countryside by limiting growth to core areas, was established in 1958 and is recognized by the American Institute of Certified Planners as a National Historic Planning Landmark. In effect, the concept of Lexington's Urban Service Area is the foundation for all American growth management systems. And Lexington-Fayette County's Purchase of Development Rights program, begun in 1999, is the first agricultural conservation easement program by a local government in Kentucky. To date, this program has permanently protected over 28,000 acres of farmland in this iconic American landscape from development, with a goal of ultimately protecting 50,000 acres. Since its establishment in 1782, Lexington has served as a major economic center in the Bluegrass Region. As a result, a huge diversity of enterprises have flourished in Lexington including paper mills, distilleries, grist mills, tobacco factories, brick and lumber yards, petroleum refineries, stockyards, and manufacturing industries. The environmental legacies associated with this history, combined with the continuing growth of our population, results in enormous pressure to develop our rural lands. So much so that, despite having some of the oldest and most ambitious land preservation programs in the country, the Bluegrass region has lost a significant amount of farmland to development- an alarming trend that landed the Inner Bluegrass on the 2006 World Monuments Fund's 100 Most Endangered Sites.

Lexington is a community that has been harmed by recent plant closures and lay-offs and the below discussion readily illustrates this. When talking numbers of jobs lost, it is easy to talk in the abstract. But it is imperative we keep in mind that each of these numbers represents the loss of a person's livelihood and in many instances much more. In addition to not being able to provide for their families, those who have lost jobs- even if they eventually find new ones- often suffer lasting damage to their earnings potential, their health, their self esteem, and their overall quality of life, all in all a devastating experience. The GE Glass Plant on Loudon Avenue, located approximately a mile and a half northwest of the Courthouse, which had been in operation since 1946, closed in July 2010 which eliminated 125 jobs. In June 2012, the University of Kentucky began laying off administrative and staff employees. Officials stated at the time that 140 employees would lose their jobs and an additional 164 positions are being eliminated. In July 2012, the Lexington Herald-Leader announced another in a four-year series of reductions in its workforce. The city's daily newspaper now has the equivalent of 216 full-time positions, a 42 percent reduction since 2008. Faced with declining demand for inkjet printers, Lexington-based Lexmark International, an outgrowth of the IBM typewriter business, announced in August 2012 it was shutting down the company's remaining inkjet hardware business. The action cost Lexington 550 jobs. Over the long term, the Lexmark workforce reduction could cost the local economy approximately \$34 million in lost wages with a commensurate impact on our tax base. In April 2013, 3M Ceradyne, a body armor manufacturer for the military, announced the lay off of 93 employees at its Lexington plant. Global defense contractor Lockheed Martin confirmed this June that it is laying off about 110 employees from its Bluegrass Station facility in Lexington, and that more layoffs might be coming. The U.S. Postal Service announced this July that the mail processing center on Nandino Boulevard in Lexington is among 82 facilities nationwide that are planned for "consolidation" in 2015, eliminating 290 postal jobs in Lexington. And if the above numbers are not enough, a December 2013 study by the Kentucky Chamber of Commerce shows job growth for the Lexington metropolitan area, which covers much of Central Kentucky, has been just 1.9 percent since the economy crashed five years ago. The report notes, "Typically, Lexington is one of the fastest-growing places in the state so it is surprising to see Lexington was down there as one of the slower-performing places on these charts." Significantly, the study suggests that Lexington is getting more service-sector jobs that don't pay especially well.

Our cleanup grant application is to eliminate environmental hazards at the former Fayette County Courthouse which is now vacant due to environmental concerns. The "Old Courthouse" is located at 215 West Main Street in the courthouse square and sits in the heart of our downtown. The Lexington-Fayette Urban County Government is the sole owner of this landmark building, which is on the National Register of Historic Places. This beautiful 55,000 square feet 4-story stone Cruciform-plan building, in the shape of a Greek cross, is constructed in Richardsonian Romanesque architectural style and has a domed clock tower. This building, the pride of our community, was originally constructed in 1898 and served as our community's courthouse for over a century, until a modern courthouse complex was completed in 2002. The Courthouse was then used as museum space and to help facilitate Lexington Farmers Market operations until September 2012 when environmental issues forced the implementation of institutional controls to limit exposure of workers and the public to lead-based paint. This in effect resulted in a cessation of all operations and the Lexington History Museum, the Lexington Public Safety Museum, and the Lexington Renaissance Pharmacy Museum were asked to remove their exhibits. The Courthouse remains closed to the public to this day. The Bluegrass Trust for Historic Preservation, Central Kentucky's leading preservation advocate, put the Courthouse on their 2013 "Eleven in Their Eleventh Hour" list which is in an effort to bring awareness to endangered historic properties and to find long-term solutions for listed properties. The criterion used for selecting the properties includes historic significance, proximity to proposed or current development, lack of protection from demolition, condition of structure, or architectural significance.

Recent events have only increased our community's sense of urgency. During a conditions assessment of the former Courthouse earlier this year, structural engineers discovered that the balconies on all four facades were beginning to pull away from the building, creating a potential public safety hazard and requiring netting be installed around the balconies to keep pieces of stone from falling until permanent repairs can be made. The city also fenced off (cordoned off) the areas below these balconies to limit public access and further protect the public. This same assessment also determined the support beams for the roof of the basement that extend past the building and stop approximately two feet from the south curb of Short Street showed signs of deterioration, which also presented a public safety hazard as the ground above this part of the basement could collapse. This required this area be fenced off too (to include the sidewalk) until repairs can be made. Closing this area also disrupted the Lexington Farmers Market and required 11 of their vendors to relocate in August of this year. All of this fencing remains in place currently.

The presence of lead-based paint was the initial environmental concern raised and was the original driver for "shuttering" the Courthouse in 2012. However after being shuttered, the Courthouse was assessed in detail through Lexington's current EPA Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1). In addition to lead-based paint, asbestos-containing materials, bird droppings (guano), and mold were confirmed to be present at the Courthouse during the Phase II environmental site assessment (ESA) although the mold was not extensive. Mechanical, electrical and plumbing (MEP) systems such as fluorescent light fixtures containing mercury and HVAC equipment containing chlorofluorocarbon (CFC) refrigerants such as R-11, R-12, and R-22 were also identified as an environmental concern.

A draft Analysis of Brownfield Cleanup Alternatives (ABCA) was then developed to evaluate cleanup options for this building, also using our current EPA brownfield assessment grant funding. If our cleanup grant application is selected by the EPA for funding, we plan to use the cleanup grant funds to facilitate redevelopment of the Courthouse by implementing ABCA cleanup recommendations and abating environmental concerns. Specifically we plan to use the \$200,000 in EPA funds first to abate lead based paint and guano hazards since these are the most immediate concerns and the guano is comingled with flaked lead based paint. Any remaining EPA grant funds (along with other sources of funding) will then be used to abate asbestos and lastly remove the mold and mechanical, electrical and plumbing (MEP) systems containing hazardous materials.

Demographically, our primary target community is comprised of residents who live in the downtown area in the immediate vicinity of the courthouse (US Census Tract 1.01). This tract encompasses most of the downtown area and includes the majority of our Central Business District and also contains parts of the Aylesford, East End, Martin Luther King, Gratz Park, Western Suburb, and North Side

neighborhoods. The tract boundaries are defined on the west by Broadway, on the east by Indiana Avenue, on the North by Third Street, and on the south by Maxwell Street. According to the U.S. Census Bureau 2010 Census, there are 1,826 households containing 3,072 people in the target community. The demographics of Census Tract 1.01 are: White (73.1%), African American (21.4%), Hispanic (3.1%), Asian (2.1%) and Other (0.3%). Census data shows that, as a whole, the residents in these neighborhoods struggle economically to make ends meet, having a median household income of \$15,559 annually - this contrasts with a median county-wide income of \$48,306 for Fayette County. Over 40% of families and 46% of all people in Tract 1.01 have an income below the poverty level, with many being significantly below the poverty level. Pointedly almost 22% of these households have an annual income of less than \$10,000 (2007-2011 U.S. Census American Community Survey).

**Demographic Information**

	Census Tract 1.01	Entire Lex/Fayette	Kentucky	National
Population [1]	3,072	295,803	4,339,357	308,745,538
Unemployment [2]	16%	8.0%	10.5	6.7%
Poverty Rate [3]	46%	18.9%	18.8%	11.8%
Percent Minority [1]	26.9%	24.3%	12.2%	26.7%
Median Household Income [3]	\$15,559	\$48,779	42,610	\$51,371

[1] Data from the 2010 US Census and is available at <http://www.census.gov/>. [2] Data from the Bureau of Labor Statistics and is available at [www.bls.gov](http://www.bls.gov). [3] Data from the US Census Bureau 2012 American Community Survey and is available on American FactFinder at <http://factfinder2.census.gov/faces/tableservices/jsi/pages/productview.xhtml>

In addition to being economically challenged, the target community, which includes sensitive populations such as the elderly, children, pregnant women and those with breathing issues, is also more likely to be exposed to environmental stressors due to their proximity to downtown as well as the age of their housing. Specifically, the heavy vehicular traffic on the main thoroughfares downtown results in increased exposure to outdoor air pollutants such as ozone, particulates (particle pollution), carbon monoxide, and other air contaminants. Information obtained from the EPA indicate these contaminants are known to cause adverse health effects and can lead to asthma, bronchitis, emphysema, lung cancer, heart disease and other illnesses as well as premature death.

The median year for homes built in Census Tract 1.01 is 1966 and over a third of the homes in these neighborhoods were built prior to 1939. The age of the residential housing stock in the target area means that residents are also more likely to be exposed to indoor air quality contaminants such as lead-based paint and asbestos containing material (ACM) commonly used in construction of older homes. Lead can affect almost every organ and system in your body. Children six years old and younger are most susceptible to the effects of lead. In children, the main target for lead toxicity is the nervous system. Even very low levels of lead in the blood of children can result in permanent damage to the brain and nervous system leading to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In rare cases, ingestion of lead can cause seizures, coma and even death. Lead in a pregnant woman's body can result in serious effects on the pregnancy and her developing fetus, including miscarriage, reduced growth of the fetus and premature birth. Asbestos can be found in vinyl floor tiles, the backing on vinyl sheet flooring, adhesives, roofing and siding shingles, hot water and steam pipes, insulation, etc. Exposure to asbestos increases the risk of developing lung disease to include lung cancer, mesothelioma (a rare form of cancer that is found in the thin lining of the lung, chest and the abdomen and heart), and asbestosis (a serious progressive, long-term, non-cancer disease of the lungs).

b. Impacts on Targeted Community- As discussed above, the close proximity of the targeted community to the downtown area results in exposure to "outdoor" air pollutants such as ozone and particulates which can adversely impact health. This is especially true of sensitive groups such as children, elderly, pregnant women and those with existing breathing issues. This exposure to outdoor pollutants, combined with their exposure to indoor air pollutants in their homes such as lead-based paint and asbestos, results in a disproportionate impact on the target community. It is believed these health impacts in turn contribute to and are exacerbated by the

poverty in this economically challenged area, creating a cycle that adversely impacts the welfare and quality of life of the area's residents. The shuttering of the Courthouse contributes to the adverse impacts and reinforces this cycle. It stands as a constant and highly visible reminder to this underserved population of missed opportunities - of what could be. The cessation of museum operations in 2012 helped protect museum patrons including sensitive groups such as the elderly, children and pregnant women from potential exposure to LBP, guano, mold and asbestos environmental hazards. However, it deprived the community of important educational opportunities. Additionally, closure of the Courthouse makes it significantly more difficult for the targeted community and indeed our entire community to access fresh, healthy food, which EPA states is a desired equitable development outcome. Prior to closure, the Courthouse was used in support of the year round Lexington Farmers Market. This is the main local foods market for our community and is held from 7:00 am to 2:00 pm on Saturdays both on and immediately adjacent to the Courthouse grounds. The Courthouse was the primary restroom facility for the farmers market, providing a clean environment for both market members and market customers. The availability of running water also allowed for optimal sanitation. Now that the market no longer has access to such permanent facilities, the market must provide several portable toilets and (weather permitting) a foot-pump activated hand washing station or hand sanitizer. While this setup meets health regulations, it is not the preferred option. Nor is this portable toilet option seen in a favorable light by customers- unfortunately customers have no other option since the Farmers Market opens early in the morning when other nearby downtown businesses are closed. Customers' general aversion to portable toilets has adversely impacted the market. As noted previously, a dozen market members (farmers) were forced to relocate this year as the sidewalk area they occupied was condemned due to the Courthouse basement area structural issues. This forced those market members to relocate to new areas and encroach into space historically reserved for brick-and-mortar establishments. All of the uncertainty presently surrounding the Courthouse makes it exceedingly difficult for the market to expand, or even promote their market and makes remaining in this location long-term a less attractive option for the farmers market. Should the Farmers Market close or be forced to relocate, the target community would be unable to access fresh healthy food as Lexington-like most towns- does not have grocery stores of significant size in the downtown area, in effect creating a "food desert." Less obvious but just as significant, the Courthouse building also served as the primary emergency (severe weather) shelter for the farmers market. The outside nature of the farmers market and the unpredictability of severe weather combined with the closeness of the Courthouse made the Courthouse an obvious severe weather storm shelter. The Courthouse had both the sturdy construction and the space to provide a safe shelter for all market members and patrons. Identifying alternative sheltering areas that can meet the needs of the market has proven to be difficult, and to date no alternate central sheltering place has been established. If severe weather is anticipated the market is now suspended and people are asked to leave the vicinity. The lack of a central sheltering area is a problem not only for the Lexington Farmers Market but also for the many public events in Cheapside Park such as *Thursday Night Live!*

Finally, in its current state, the Courthouse is in many respects limiting the target area's potential. From an economic standpoint, it is plain to see that the Courthouse holds much promise. If this underutilized property were to be developed to its full potential (most likely through a public private partnership), it could create a significant number of jobs and serve as a catalyst for the entire area. The environmental cleanup alone would take at least 3 months to complete, requiring thousands of work hours and generating an estimated 15 to 20 jobs. Once redeveloped, we anticipate that at least 15 year round jobs and another dozen seasonal jobs will be created at the Courthouse itself based on similar projects.

### c. Financial Need

(i) Economic Conditions Lexington still has a small town feel and there is a reason for that; we are relatively small. With a population of 295,803 (U.S. Census Bureau 2010 Demographic Profile Data) Lexington is not considered a big city - our Mayor likes to refer to Lexington as an "extra large Mayberry"- so we don't have the resources enjoyed by some larger municipalities. Our community-wide poverty rate of 18.9% is higher than many of the benchmark communities which we compare ourselves to. The most recent estimate for redeveloping the Courthouse puts the cost upwards of 20 million dollars; approximately \$771,290 of this amount will be used to address environmental concerns and create a clean building as outlined in the draft Analysis of Brownfield Cleanup Alternatives (ABCA) completed by AMEC in January 2014. Our community simply doesn't have the resources to pull this off by ourselves in today's economic times. As mentioned

previously, Lexington is a community that has been harmed by recent plant closures and lay-offs. The GE Glass Plant on London Avenue located approximately a mile and a half northwest of the Courthouse, which had been in operation since 1946, closed in July 2010 which eliminated 125 jobs. In June 2012 the University of Kentucky began laying off administrative and staff employees. Officials stated at the time that 140 employees would lose their jobs and an additional 164 positions are being eliminated. In July 2012 the Lexington Herald-Leader announced another in a four-year series of reductions in its workforce. The city's daily newspaper now has the equivalent of 216 full-time positions, a 42 percent reduction since 2008. Faced with declining demand for inkjet printers, Lexington-based Lexmark International, an outgrowth of the IBM typewriter business, announced in August 2012 it was shutting down the company's remaining inkjet hardware business. The action cost Lexington 550 jobs. Over the long term, the Lexmark workforce reduction could cost the local economy approximately \$34 million in lost wages with a commensurate impact on our tax base. In April 2013 3M Ceradyne, a body armor manufacturer for the military, announced the lay off of 93 employees at its Lexington plant. Global defense contractor Lockheed Martin confirmed this June it is laying off about 110 employees from its Bluegrass Station facility in Lexington, and that more layoffs might be coming. The U.S. Postal Service announced this July that the mail processing center on Nandino Boulevard in Lexington is among 82 facilities nationwide that are planned for "consolidation" in 2015, eliminating 290 postal jobs in Lexington.

(ii) Economic Effects of Brownfields- The residents of the target community are at an economic disadvantage compared to the rest of Fayette County and we believe their close proximity to the Courthouse may be contributing to this disparity. According to the 2010 U.S. Census, which is the most recent year for which this level of detail is available, the residents of these neighborhoods have lower incomes and higher poverty rates when compared to the surrounding community. The median household income for the target community is \$15,559 compared to \$48,779 for Fayette County as a whole. In addition, over 40% of families and 46% of all people in Census Tract 1.01 have an income below the poverty level and 33% do not have access to a vehicle. Only 13.5% of the homes in the target community are owner occupied. The remainder are rented. Over a third of the homes in these neighborhoods were built prior to 1939 and the median year for homes built is 1966; this compares to a median year of 1974 for the rest of Fayette County. Of the target population 5.9% lack complete plumbing, 11.9% lack complete kitchen facilities, and 12.4% do not have telephone service (2008-2012 U.S. Census American Community Survey 5 Year Estimates Table DP04).

Additional economic effects associated with the Courthouse (brownfield) in its current state include community disinvestment, burden on municipal services, and ultimately blight. As stated earlier a courthouse defines a community. Failure to invest in the Courthouse sends the wrong message to those wishing to invest in our downtown and our community. Although the Courthouse is now shuttered, the City is still maintaining this structure using taxpayers' funds - we have committed to spend over a million dollars on the Courthouse in the last two years alone.

We realize the importance of the Courthouse to our community and are taking steps to properly manage this vacant building as evident above. However if the building is not returned to productive use in the near future, it may become necessary to "mothball" the building. Mothballing will require stabilization of the exterior, properly designed security protection, some form of continuing interior ventilation—either through mechanical or natural air exchange systems—and continued maintenance and surveillance monitoring. Comprehensive mothballing programs are generally expensive and may cost 10% or more of a modest rehabilitation budget (National Parks Services Technical Preservation Bulletin 31 Mothballing Historic Buildings). Mothballing such a landmark building in the heart of downtown would be a poster child for community disinvestment and blight and would be a continuing drain on municipal resources.

## 2. Project Description and Feasibility of Success

### a. Project Description

i.) Existing Conditions- The LFUCG Division of Historic Preservation has designated the Courthouse as "Outstanding," which is defined as a "property of extreme importance architecturally and/or historically that has undergone relatively little alteration since they were built, or the alterations themselves have gained significance." It is noted that this particular property "contributes both to the character of the

block, and to the character of downtown.” The Courthouse property has provided much of Lexington’s historical tapestry. It has been the heart of Lexington since the public square was first platted in 1780. The first schoolhouse in Kentucky was built on this site in 1783; it was at this school that the schoolteacher John “Wildcat” McKinney was attacked and fought off a wildcat that had entered the school (Historic Lexington Heart of the Bluegrass). The courthouse square was the site of a Civil War skirmish in October of 1862 when Confederate cavalry attacked Union troops encamped in Lexington. Reports indicate a group of Union soldiers sought refuge in the courthouse and when Confederate soldiers brought up artillery, the Mayor of Lexington pleaded with the Confederates not to blow up the courthouse. He also pleaded with the Union soldiers to surrender, which they did, sparing the courthouse. The following additional historical information was contained in a March 1, 2012 Kaintuckeean post “Fayette County’s Courthouse is all history:” “Fayette County’s first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Courthouse and the subject of our grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Courthouse, the 4<sup>th</sup> one built on this property, began in 1898. The 1898 courthouse was designed by the Cleveland, Ohio architecture firm Lehman & Schmitt, who also designed their own city’s Cuyahoga County Courthouse. The Fayette County Courthouse is a fantastic example of Richardsonian Romanesque architecture. In the shape of a Greek cross, though appearing almost cubic, the courthouse has an entrance on each of its four sides. Each entrance is marked by a large round arch and a shallow balcony above. The corbels supporting these balconies feature faces ranging from grotesque to resembling characters from the Canterbury Tales. The clock in the belfry survived the 1897 fire and has been preserved through history dating back to 1806. On the hour, you can still hear the bell mark the hours of the day just as that same bell did for the ears of Henry Clay, John Breckinridge, and Abraham Lincoln. In 1951, plans were moving forward to demolish the 1898 courthouse despite opposition from, as the Lexington Leader newspaper called them, “sentimentalists.” The 1951 plan would have transformed the block and included razing the Courthouse. A chief proponent of this new plan was the County Commissioner who, frustrated with the insufficient space in the half-century old structure, wanted “to tear this damn thing down and build a new building.” And although the plan was supported by the chamber of commerce, it ultimately floundered. The space issues, however, did not go away, because five courtrooms had been squeezed into a building designed for one. A 1961 plan resulted in adaptive reuse. While preserving the facade of the historic courthouse, its inner workings (including the palatial atrium) were filled with HVAC, an elevator system and restrooms. Prior to the (1961) renovation, visitors inside the courthouse would have marveled at a grand staircase as they gazed up 107 feet to the dome ceiling. The dome was painted a blue with dozens of lights which would have illuminated the dome - then one of Lexington’s tallest structures - and the surrounding area. The use of these electric lights in 1900 was groundbreaking; only Paris, France (the “City of Lights”) was using light bulbs in such innovative ways. The lights would also have illuminated the beautiful interior – the carvings and paintings reminiscent of a 14<sup>th</sup> century Tibetan Palace. In 2002, the Courthouse closed when the new courthouse complex opened a couple blocks away on North Limestone Street. The Courthouse is the home to several museums, most notably the Lexington History Museum, which opened in 2003” (March 1, 2012 Kaintuckeean post [www.Kaintuckeean.com](http://www.Kaintuckeean.com)). As mentioned previously the Courthouse closed to the public later in 2012 due to elevated levels of lead dust.

Lexingtonians have long recognized the value of the Courthouse building as well as the courthouse square. Our community has made significant investments in the courthouse square property and much of the groundwork has been laid for this project to be successful as described below. Fitzsimmons Office of Architecture (FOA) conducted a study of the Courthouse building in 1999, providing a baseline of existing conditions, conceptual site layouts, and preliminary pricing for a full restoration of the building. In 2000, the Courthouse Square Foundation was founded by then Mayor Pam Miller to raise funds for this project. Information contained in a July 24, 2012 Business Lexington article Seize the Moment: Restore the Courthouse describes the Courthouse Square Foundation group in the following way “This unified call for restoring the Courthouse couldn’t come from a more diverse group of powerful leadership personalities. The Foundation’s board of advisors includes all former mayors and vice mayors who have served since the city and county merged...” In 2001, Verner Johnson and Associates provided a feasibility study on a joint UK Art Museum – Lexington History Center project that would have restored the existing Courthouse as well as built a partially subterranean gallery annex. Due to economic uncertainty in the wake of the 9/11 terrorist attacks, the project was shelved. In the early 2000’s, one million dollars was spent to stabilize the building and make minor improvements to three floors for use by the Lexington History, Public Safety, and Kentucky Pharmacy museums. While multiple attempts

to repurpose the building for a higher use had been studied and tried since 2000, none have come to fruition. However, as noted in the Business Lexington article *Seize the Moment: Restore the Courthouse*, “The recent closing of the Old Fayette County Courthouse following the discovery of hazardous lead paint may have the effect of actually opening the doors of this iconic downtown structure to a new future: as the crowning catalyst of a vibrant new downtown entertainment district.”

Today Lexington is being transformed and the Courthouse is again in the center of activity- literally surrounded by activity. In April of 2009 Fifth Third (5/3) Bank donated \$750,000 to the Downtown Lexington Corporation to build a 5,000 square foot glass pavilion with a metal roof in Cheapside Park in Courthouse Square a mere 75 feet west of the Courthouse itself. This permanent event facility, called the *Fifth Third Pavilion*, now houses popular events such as street concerts- almost 70,000 people attended the *Thursday Night Live!* street concerts this year alone and (based on pedestrian counts) the Lexington Downtown Development Authority estimates as many as 200,000 total people visited the Fifth Third Pavilion in 2014. In 2009, merchants and farmers began selling fresh produce and food products on Saturdays at Cheapside through the Lexington Farmers Market, a member-owned agricultural cooperative. Again based on LDDA pedestrian counts, an average of 3,091 people shop at the Farmers Market on Saturdays and on peak Saturdays the farmers market estimates as many as 5,000 people shop here. Plus several major downtown projects have been announced in the past two years. Immediately across the street from the Courthouse is the McKim, Mead, and White designed Fayette National Building. The Fayette National Building, located less than 100 feet east of the Courthouse, is undergoing renovations now and will be the future home of the 21c Museum Hotel, a boutique hotel and art museum whose trademark penguins will be blue in recognition that Lexington is the home of the Big Blue Kentucky Wildcats. The 21c Hotel will bring with it 150 jobs and new life for a building that was once the tallest building in Kentucky and has graced our skyline for 100 years. And there are plans to create a downtown linear park as part of the Town Branch Commons, a nearly two mile stretch of connected public space following the historic route of the Town Branch Creek on which Lexington was originally founded and which runs underneath downtown area presently. Finally construction on the CentrePointe development, which includes plans for a 286 room hotel, mixed use space and a three-story underground parking garage on a two acre parcel of land just 300 feet southeast of the Courthouses, is underway.

**THE WAY FORWARD:** In his January 2013 State of Merged Government address, our Mayor tasked the Lexington Downtown Development Authority (LDDA) with coordinating redevelopment efforts for the Courthouse building. After reviewing existing studies and information, hearing from long-time stakeholders, and holding informal conversations with potential tenants, it became clear that there is a way forward on redeveloping the Courthouse as public/private venture that would leverage external sources of funds to restore and revive one of our community’s most recognizable landmarks. To bring the Courthouse adaptive reuse project to fruition, the Lexington Downtown Development Authority, the LFUGG and the Courthouse Square Foundation are currently working to put together a development team with the capacity to develop a program, assemble financing, and manage the Courthouse property incorporating the following goals: (1) Restore the building according to the Secretary of Interior’s Standards for Historic Preservation, including returning the central atrium to a condition representative of the original design; (2) Light the exterior of the building, including the dome; (3) Program public use or uses on the entry level that provides access to the reopened atrium; (4) Provide public restrooms to support activities in the 5/3 Pavilion and (5) Activate the apron and the grounds surrounding the building with café tables or like activity.

Due to the open layout of the building and the comparatively small footprint, we recognize that the building will likely have several tenants occupying relatively small spaces versus a few large tenants. However we actually see that as an asset- not a liability. Instead of creating office or hotel space, we will be creating a space that will once again capture the public’s imagination while also containing a diversity of unique tenants. Once the Courthouse is restored, visitors to the Courthouse will once again be able to enjoy an experience that cannot be had anywhere else in the region. Visitors will be able to “marvel at the grand staircase as they gaze up 107 feet to the dome ceiling” and see “the carvings and paintings reminiscent of a 14<sup>th</sup> century Tibetan Palace.” In effect we envision the Courthouse will be a livable (ever changing) museum with an open main floor, galleries, and public exhibit spaces intertwined with “unusual” mixed use space. Not only will it become an exciting must see “destination” for our citizens and visitors alike, it will also serve as an operating

venue as well as the jumping off point for other Lexington attractions. We also envision the building will be used to tell Lexington's story with an emphasis on our world renowned history of bourbon and horses. We anticipate this venue having connections with the highly successful Bourbon Trail and Kentucky Horse Park- two very popular attractions.

And we are doing more- we have made major strides toward turning our vision into reality recently. In last year's fiscal municipal budget, \$300,000 was obligated for structural repairs to the Courthouse (Council budget ordinance #70-2013). An additional \$250,000 was set aside for predevelopment efforts (Council budget ordinance # 146-2013) and LFUCG, with project management by LDDA, is using a portion of these funds to conduct a conditions assessment for the Courthouse. Working through EOP Architects and Preservation Design Partnership consultants, we are analyzing the existing conditions of the facility including architectural, structural, and historic components. This conditions assessment will result in a detailed report with recommended short and long term stabilization and repair needs along with cost estimates, all of which will coordinate with established historic preservation goals. Also a selective demolition package was recently completed during which all drop ceilings, various non-historic partitions and selective floor coverings were removed to facilitate the conditions assessment. This allows the consulting team to fully assess the condition of the structure, to understand how the Courthouse can be best utilized, and also helps reduce unknowns during future redevelopment. The conditions assessment is set to be complete and findings presented to council early 2015. Significantly the initial findings indicate the Courthouse is in better structural condition than originally thought. Finally in November 2014 our Urban County Council unanimously set aside an additional \$450,000 for further investigation and to address problems identified during the current conditions assessment.

**FINANCING OF THE RESTORATION:** The most recent estimate for redeveloping the Courthouse puts the cost upwards of 20 million dollars; approximately \$771,290 of this amount will be used to address environmental concerns (including those associated with mechanical, electrical and plumbing) as detailed in the draft Analysis of Brownfield Cleanup Alternatives (ABCA) completed by AMEC in January 2014. How will it be paid for? The proposed redevelopment plan for the Courthouse is still being finalized. But as is common for projects of this scale, financing the restoration and redevelopment of the Courthouse will involve a blend of funding from multiple sources. We anticipate the local contribution, which will be a combination of permanent (tenant) debt, donations, and tax increment financing, will total approximately \$7,750,000. A viable tenant will be able to support a level of permanent debt service through a market-rate lease. The Courthouse Square Foundation will continue to solicit donations/contributions. The Courthouse Project has been identified as a possible beneficiary of the TIF financing component of the CentrePointe project which could supply significant funding. Federal and State Historic Tax Credits will also be used. Tax credits are awarded for an amount equal to 20% of the project cost. After awarding, the credits are sold to investors in exchange for equity. We anticipate \$2,607,924 from this funding source. New Markets Tax Credits are similar and will also be used. These tax credits are also exchanged for equity and favorable loan terms. We anticipate \$3,494,400 from this funding source. And of course grant funding will be sought, as we are doing with this \$200,000 EPA Brownfield Program Cleanup Grant application.

Finally, local government (taxpayer) funds will of course be used for leveraging as we already have significant "skin in the game." As described in the paragraphs above, we have committed to investing over a million dollars in the last two years alone which speaks to the depth of our local commitment. It's obvious our community is invested in preserving and developing the Courthouse and we are willing to shoulder the costs to the point we can bear. Please note currently we are also working with experienced financial experts who have successfully redeveloped landmark municipal brownfield buildings similar to the Courthouse. We anticipate receiving updated projections on the value of tax credits available to this project, project costs, and identifying optimal approaches for financing the project in January 2015.

ii. Proposed Cleanup Plan- We have an excellent understanding of the types and quantities of environmental contaminants present at the Courthouse, since extensive sampling and quantification has already been done here. A Limited Site Survey of Indoor Air Quality was done by Air Source Technology, Inc. (ASTI) dated September 20, 2012 to assess mold. A Lead Paint Inspection Report dated July 2012 was

prepared by the LFUCG Division of Facilities Management which found high levels of lead in the basement and penthouse of the building. A Lead-Based Paint Risk Assessment Report was subsequently prepared by Compliance Technologies, LLC dated August 6, 2012 which recommended restricting access to the basement and penthouse, and limiting access to the 4th floor to staff only due to lead based paint hazards. An Asbestos Identification Survey and Inspection Report was prepared by the LFUCG Division of Facilities in July 2012 and found asbestos containing material (ACM) on all floors of the building. Using Lexington's current EPA Brownfield Program Assessment Grant funds, a Phase I environmental site assessment (ESA) for the Courthouse was completed by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC also completed a Phase II ESA in 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process."

Based on this body of work, AMEC estimates approximately 43,000 square feet is impacted by lead based paint to include approximately 6,000 square feet area in the rotunda containing a mixture of guano and flaked LBP. There is another 45,000 square feet of building space potentially impacted by lead dust which may require additional cleaning or removal. LBP was identified in the basement, first floor, second floor, third floor, and the rotunda/penthouse. AMEC estimates approximately 38,000 square feet has asbestos containing materials. Fluorescent light fixtures and CFC containing HVAC equipment are also present but are lesser concerns.

An Analysis of Brownfield Cleanup Alternatives (ABCA) was prepared by AMEC in December 2013 using our current EPA Brownfield Program Assessment Grant funds. The purpose of the ABCA "cleanup plan" was to establish clean up objectives, screen remedial technologies, and select the optimal approaches for addressing the identified environmental concerns - in effect providing a blueprint for cleaning up this building. The ABCA also contained cleanup cost estimates. Based upon AMEC's evaluation of the technologies, the recommended remedial alternatives are to (1) remove/abate ACM, remove/abate lead-based paint that is flaking or has flaked off, and remove/abate guano mixed with lead-based paint; (2) encapsulate lead-based paint that is currently not flaking or flaked or badly damaged and; (3) discard certain mold affected materials. Total cost to address all environmental concerns, including asbestos, lead based paint, mold, guano and mechanical electrical and plumbing (MEP) items such as fluorescent lamps containing mercury and CFC containing equipment, is estimated at \$771,290 in the ABCA.

If our application is successful, we plan to use the \$200,000 in EPA funds first to remediate lead based paint and guano hazards since these are the most immediate concerns and the bird droppings are comingled with (flaked) lead based paint chips in the rotunda. Any remaining EPA grant funds, along with other sources of funding, will then be used to abate asbestos.

Upon award, the LFUCG plans to use highly-qualified, experienced, environmental consultant(s) and only qualified contractors holding the required licenses will perform abatement activities and all applicable health and safety regulatory requirements and environmental regulations will also be adhered to including the Endangered Species Act (ESA), National Historic Preservation Act (NHPA), Resource Conservation and Recovery Act (RCRA), and National Emissions Standards for Hazardous Air Pollutants (NESHAP). All waste generated will be characterized and disposed of in permitted landfills in accordance with federal EPA regulations, state Division of Waste regulations, and local regulations.

In regards to addressing specific hazards, lead based paint on walls and ceilings that is not flaking, flaked, or heavily damaged will be encapsulated with a durable coating system. Lead based paint that has flaked or is flaking, lead based paint mixed with guano, and dust containing lead will be abated and disposed off site. Contractors shall be trained in lead safe work practices and shall follow all applicable LBP regulations to include requirements for air sampling and respirator use. Guano in the rotunda is mixed with the flaked lead based paint and the guano will be removed jointly with this flaked lead-based paint. Since these two hazards are being abated together, the same precautions used during LBP removal will be used during abatement of guano which will be protective of workers and the environment. Proper personal protection shall be maintained at all times to protect employees from the biological hazard.

Identified ACM will be abated (removed). A standardized specification for abatement will be established for the removal of asbestos containing materials prior to abatement. Required notices will be given to the regulatory agencies (such as the Kentucky Division of Air Quality) prior to abatement. Proper containment and health & safety practices will be implemented during removal. Employees who work with asbestos will be provided with proper personal protective equipment, as well as the appropriate asbestos removal equipment, training and licensure as applicable. Asbestos removal will be monitored to ensure that no asbestos is released into ambient air. Final air and other clearance samples will be collected before re-occupation of abated areas is allowed.

**b. Task Description and Budget Detail:**

**Task Description-** To successfully address the environmental concerns at the Courthouse, action items have been grouped under five tasks. Task 1 LBP Abatement involves abatement/encapsulation/removal, of 43,000 sq ft of lead based paint and for cleaning or removal of another 45,000 square feet of lead dust impacting the building space. Task 2 Guano Abatement is for removal of 6,000 sq ft of bird droppings in the rotunda. Task 3 is for placement of scaffolding to reach the areas to be abated. Task 4 is the cost of project management. Task 5 Additional Tasks includes mobilizations, developing abatement specifications, containment, teardown and demobilization reporting, and Operations and Maintenance (O&M) Plan. Specific outputs that we anticipate from this project (using EPA cleanup grant funds and local funds) are removal and/or encapsulation of 43,000 sq ft of lead-based paint, bird droppings, cleaning or removal of another 45,000 square feet of lead dust impacting the building space and; abatement/removal of 38,000 sq ft of ACM. We also anticipate additional project outputs in that the mercury lamps and CFC containing equipment will ultimately be removed- however we anticipate removal of these MEP systems will be undertaken once the lead based paint, guano and ACM are addressed. As mentioned above if EPA Brownfield Program grant funds prove insufficient to address all the environmental concerns, we plan to use the funds to address lead-based paint and bird droppings first since these are the most immediate concerns and seek additional sources of funding (if needed) to address the asbestos and remaining environmental concerns. We will also ensure that water intrusion is controlled (to prevent the reoccurrence of mold) and birds are denied access (to prevent reoccurrences of guano) prior to any abatement work.

A budget for the cleanup grant funds only (totaling \$240,000 including our cost share) is presented in tabular form below. While AMEC and their subcontractors have expended significant effort to provide the level of budget detail contained in the ABCA, it should be noted that the costs presented in the ABCA and in the budget table below are estimated costs; actual costs may be higher or lower. Also LFUGG personnel will not charge administrative or indirect costs (personnel/fringe costs) to coordinate this grant nor do we anticipate purchasing supplies or equipment through this grant which will allow us to use almost all of the EPA grant funds for contractual work. We will comply with procurement procedures contained in 40 CFR 30.40 through 30.48 when contracting services.

**Budget Detail**

Budget Categories	Task 1 LBP Abatement 83,000 sq ft [1]	Task 2 Guano Abatement 6,000 sq ft [2]	Task 3 Scaffolding Placement [3]	Task 4 Project Management [4]	Task 5 Additional Tasks [5]	Totals
Travel					-\$4,000	-\$4,000
Contractual	-\$102,090	-\$26,400	-\$44,550	-\$20,960	-\$42,000	-\$236,000
Subtotals	-\$102,090	-\$26,400	-\$44,550	-\$20,960	-\$46,000	-\$240,000
Federal	+\$102,090	+\$26,400	+\$44,550	+\$20,960	+\$6,000	+\$200,000
Cost Share [6]					+\$40,000	+\$40,000
Difference	\$0	\$0	\$0	\$0	\$0	\$0

Notes: [1] The amount budgeted is for removal and/or encapsulation of 43,000 sq ft of lead-based paint and for cleaning or removal of another 45,000 square feet of lead dust impacting the building space. [2] Bird droppings will be removed concurrently with lead based paint to minimize costs. [3] Once placed, scaffolding will be used for both lead based paint and guano abatement to reduce costs. [4] Project management costs include management, clearance testing and oversight. [5] Additional tasks includes travel costs (\$4,000) for LFUGG personnel to attend national EPA Brownfield Program conferences as we anticipate this will be a condition of this grant.

mobilization costs (\$3,000), developing abatement specifications (\$14,000), containment, teardown and demobilization (\$5,000), reporting (\$15,000), and Operations and Maintenance (O&M) Plan (\$5,000). [6] Our Urban County Council has earmarked \$40,000 in LFUCG funds for our grant match via a December 4, 2014 Council resolution - resolution # 687-2014 is attached to our application. [

c. Ability to Leverage- While financing a significant redevelopment project like this can be challenging, we believe we will be able to use the requested cleanup grant funds to leverage additional funds. Indeed leveraging is going on already - in October 2013 our Urban County Council voted to spend \$250,000 on pre-development work at the Courthouse; at least \$40,000 of this \$250,000 will be used as our match should we be selected to receive an EPA cleanup grant per Council resolution # 687-2014. Plus \$300,000 more was budgeted for stabilization work at the Courthouse by our City Council in October of 2013 (Council budget ordinance 70-2013). And just recently in November 2014 the City Council voted unanimously to set aside \$450,000 in additional LFUCG funds to address issues identified during the condition assessment (structural study) of the Old Fayette County courthouse Council budget ordinance pending). The EPA Brownfield Program cleanup grant we are seeking is particularly important to our efforts, since eliminating the identified environmental concerns is the key to moving forward. The Kentucky Department for Environmental Protection (DEP) also received a 2012 federal EPA Brownfields Program revolving loan fund grant for \$850,000 from which DEP plans to provide loans and subgrants to support cleanup activities for contaminated sites in 2015. We will also make application for these grant funds once they become available. And the available tax credits mentioned earlier (TIF, New Market, Historic, etc) will be heavily leveraged and should constitute at least 4 to 5 million in funds. We are working with financial firms experienced in brownfield redevelopment now to make sure we identify all opportunities and leverage the maximum amount possible.

### 3. Community Engagement and Partnerships

a. Community Involvement- We recognize that this is a bold project, and to be successful, the entire community will need to be involved. Community involvement is critical if we want Lexington citizens to embrace this project. Should we be awarded this cleanup grant, we will use all means of communication at our disposal both to educate citizens about the project and to give citizens a chance to become involved. Visioning sessions will be held which the Kentucky Division of Compliance Assistance has agreed to lead. Stakeholder groups will be formed. We will reach out to downtown neighborhood associations and of course the target community as well as the Lexington Farmers Market. There will be press releases and newspaper articles (to including multilingual release in such publications as the Spanish La Voz newspaper), emails, and web updates on our goals, our progress, and our accomplishments. We will also post door hangers and hand out flyers. Although we do not anticipate clean up activities will result in any disruptions or pose any health and safety issues since these will be conducted entirely within a (secure) vacant building, there will be additional public hearings held on the cleanup plan to receive input from our citizenry and additional presentations to community groups (to include the target community and sensitive populations). Finally the Lexington Department of Environmental Quality and Public Works will provide timely updates to the Urban County Council (the local government's legislative branch) on the project's progress which will be televised.

b. Partnerships with Governmental Agencies If awarded this grant the LFUCG, as the Cooperative Agreement Recipient, will of course work very closely with the federal Environmental Protection Agency (EPA) to ensure this brownfield cleanup grant is successfully administered. The LFUCG also has the full support of the Kentucky Department of Environmental Protection. This state agency will have regulatory authority over abatement activities and also administers Kentucky's brownfields program through the Division of Compliance Assistance (DCA). A letter of support dated October 29, 2014 from the state brownfields coordinator, Mr. Herb Petitjean, is included in this application. The DCA has been extremely helpful to the LFUCG by providing support in developing the LFUCG current (successful) brownfields assessment grant program and has met with us on several occasions to discuss cleanup of the Courthouse project already. Additionally, we are including a second letter from the Kentucky State Clearinghouse (also dated October 29, 2014) reaffirming their recommendation that our current brownfields cleanup grant application "be approved for assistance by the cognizant federal agency." The Kentucky Heritage Council State Historic Preservation Office coordinates the federally mandated protection of historic properties listed in or eligible for the National Register of Historic Places, as well as the professional archaeology component for the agency. Section 106 of

the National Historic Preservation Act (NHPA) of 1966 requires federal agencies to consider the effect of their activities on properties listed or determined eligible for listing in the National Register of Historic Places. We will work closely with the Kentucky Heritage Council State Historic Preservation Office as well as the LFUGG Division of Historic Preservation to ensure significant historic attributes of the Courthouse are protected during clean up and redevelopment activities.

c. Partnerships with Community Organizations- For a project of this magnitude and importance, we will be partnering with many community organizations, some of these are briefly discussed here. The Lexington Downtown Development Authority (DDA) promotes the physical and economic development of downtown through catalytic projects, public infrastructure, neighborhood reinvestment, and research and planning. For this project, DDA will lead efforts to identify potential private sector partners, coordinate efforts to redevelop the Courthouse, and identify financing possibilities. They will also provide our local match (using LFUGG funds earmarked for redevelopment of the Courthouse) should our application be selected for funding. The Courthouse Square Foundation is a nonprofit group founded in 2000 specifically to raise funds for the restoration of the Courthouse. In addition to assisting with fund raising efforts, this organization will assist the DDA and continue their efforts to educate the public on the significance of this historic structure. Downtown Lexington Corporation (DLC) is an independent, non-profit organization devoted to promoting downtown as a unique and vibrant place in Lexington for business, residential life & entertainment. DLC produces free events for the entire community to include the popular *Thursday Night Live!* street concert series at Courthouse Square. For this grant, DLC will promote redevelopment opportunities at the Courthouse to their members and will work to expand public use of the courthouse square as well as serve on task forces and advisory committees. The Lexington Farmers Market is a member-owned agricultural cooperative and one of Kentucky's premiere farmers markets. The Farmers Market is held immediately adjacent to and even on the Courthouse grounds and has been adversely impacted by the closing of the Courthouse. The Market promises to educate and advocate on behalf of our redevelopment efforts and promote the brownfield program. The Fayette Alliance is a land-use advocacy organization that promotes sustainable growth and preservation of Lexington's signature Bluegrass landscape. The Alliance encourages infill redevelopment as a component to achieving economic growth and environmental quality. The Alliance represents citizens from the entire community, with significant representation from thoroughbred horse farm owners, Lexington's signature industry. For this project, the Alliance will continue to promote Lexington infill and redevelopment efforts which are pivotal to redeveloping the Courthouse.

#### 4. Project Benefits

##### a. Health and/or Welfare and Environment-

i. Health and/or Welfare Benefits-- One key outcome of this project will be protection of public health and welfare. The health and welfare of the public will be enhanced in numerous ways. Health concerns (lead based exposure, etc) will be eliminated for visitors to the Courthouse (such as patrons of the former History Museum)- this is especially important for sensitive populations such as pregnant women, children and the elderly. Also the potential life safety concerns posed by the basement and balcony structural issues discussed earlier in our application will be eliminated. As noted the building currently contains lead based paint dust, guano, and asbestos. Should the building be damaged in a severe storm, fire, or just suffer demolition by neglect, these contaminants would be released into the environment and harm public health. As an example bird guano can cause histoplasmosis, which is an infectious disease caused by inhaling the spores of a fungus called *Histoplasma capsulatum*. Dusts containing *H. capsulatum* spores can be aerosolized during construction, excavation, or demolition. Once airborne, spores can be carried easily by wind currents over long distances. Such contaminated airborne dusts can cause infections not only in persons at a work site, but also in others nearby. Additionally reopening the Courthouse will make it easier for the targeted community and indeed our entire community to access fresh healthy food, which EPA states is a desired equitable development outcome. As mentioned previously prior to closure the Courthouse was used in support of the year round Lexington Farmers Market. The building was the primary restroom facility for the farmers market and provided running water allowed for optimal sanitation. And in the Summer of 2014, the area between the courthouse and Short Street was condemned due to the structural issues forcing those market members to relocate to new areas. All of the uncertainty presently surrounding the Courthouse makes it exceedingly difficult for the market to operate and makes remaining in this location long-term a less attractive option

for the farmers market. Should the farmers market close the target community would be unable to access fresh healthy food as Lexington, like most towns, does not have grocery stores of significant size in the downtown area-in effect creating a “food desert.” Additionally, when the Courthouse is successfully redeveloped, there will be increased job opportunities which may help improve economic conditions which in turn will improve health conditions. Finally we envision the redeveloped will be a livable (ever changing) museum with an open main floor, galleries, and public exhibit spaces- this will open a myriad of educational opportunities for the target neighborhoods and the public at large.

ii. Environmental Benefits- A second key outcome of this project will be protection of the Environment. As mentioned previously the project will yield environmental benefits in that infill/redevelopment projects like this reduce the pressure to open our rural areas for development. This project will also incorporate green building designs such as a geothermal HVAC system that will reduce carbon emissions.

#### b. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse

i). Planning, Policies or Other Tools. We believe Lexington is somewhat unique in that one of the responsibilities our local government is specifically charged with under section 3.02 of our Code of Ordinances is to “provide for the redevelopment, renewal or rehabilitation of blighted, deteriorated, or dilapidated areas.” One of the main tools we have for promoting sustainable development is Lexington’s Comprehensive Plan which governs how and where we grow. The 2013 Comprehensive Plan focuses heavily on promoting sustainability and livability outcomes. Notably the 2013 Comp Plan retains our current Urban Service Boundary which requires us to effectively grow in and not out - promoting infill and redevelopment. Additionally, Lexington’s zoning regulations promote sustainable practices by offering an additional tool - increased flexibility in redevelopment plans for projects that qualify as an Adaptive Reuse Project. To qualify as an Adaptive Reuse Project, property owners must reuse existing buildings, provide a threshold amount of community benefits, and further the purposes of Lexington’s Comprehensive Plan. This is designed to encourage developers to utilize many “green” best practices as they redevelop these properties such as reusing buildings, using existing infrastructure, making buildings more energy efficient, and using demolition materials for beneficial purposes. Although redevelopment plans have not been finalized for our proposed project, we will (of course) be breathing new life into an existing building and we anticipate this project will qualify as an Adaptive Reuse Project. We will also incorporate green building measures into the restoration of this high profile building. As an example we plan to heat and cool the renovated building using a geothermal system and an engineering firm has already estimated the number of geothermal wells needed.

ii). Integrating Equitable Development or Livability Principles- This project is the rare project that will produce many Sustainable and Equitable Development outcomes. Redeveloping the Courthouse will provide new job opportunities during abatement, renovation and afterwards during operation; provide commercial opportunities through leasing of space and through being a “destination” and; provide open space amenities (greenspace) to existing neighborhoods through programming of the Courthouse grounds. Plus the project will help improve resident’s access to healthy and affordable food (through expanded Farmers Market), help mitigate environmental conditions, reduce blight, and retain residents who have historically lived in the target area. This project is also supportive of the “support existing communities” EPA/HUD/ DOT livability principle as we will be using federal funds to: (1) increase community revitalization as the redeveloped courthouse will be the catalyst the target community needs for a larger revitalization; (2) improve the efficiency of public works projects by directing development to the downtown area where the existing public infrastructure is strong and operates most efficiently; (3) perform a redevelopment project which helps safeguard our rural areas by reducing the pressure to expand our existing urban service boundary into the rural areas.

#### c. Economic and Community Benefits

(i) Economic or Other Benefits- Cleaning up and redeveloping the Courthouse will offer a myriad of positive outcomes for our community, both economically and non-economically. On the economic side, the public/private project envisioned will provide jobs as new employees will be hired, increase our tax base, stimulate our economy, increase tourism, and turn what is now a drain on municipal

budgets into an asset. On the non-economic side, the Courthouse will provide educational opportunities as an ever changing museum and public art gallery, a higher (public) use for the greenspace in the courthouse square, and increased access to fresh food by facilitating Lexington Farmers Market operations.

(ii) Job Creation Potential- We anticipate increasing new job opportunities will be one of the significant outcomes of this project, especially since this project could be transformative for our downtown area. If this underutilized property were to be developed to its full potential (most likely through a public private partnership), it would create a significant number of jobs and serve as a catalyst for the entire area. The cleanup alone should take at least 3 months to complete, requiring thousands of work hours and generating an estimated 15 to 20 jobs. Once the Courthouse project is complete, we anticipate that at least 15 year-round jobs and another dozen seasonal jobs will be created based on the project team's experience with similar projects. To ensure this is the case, the LFUCG will consider the degree of local employment to be provided by the person(s) or firm(s) that respond to our clean up and redevelopment RFPs (requests for proposals). We will also strive to use procurement practices that promote local hiring wherever possible within the constraints of our local procurement processes and also work with organizations such as our local Workforce Investment Board/Bluegrass Area Development District to identify ways to hire locally.

#### 5. Programmatic Capability and Past Performance

a. Programmatic Capability- The Urban County Government has a history of successfully managing and performing grant-funded activities to include EPA Brownfield Program assessment grants. The Urban County Government's staff will administer this clean up grant and will have responsibility for the financial management, contracting, consultant/contractor selection and oversight, and all reporting functions with the Division of Environmental Services having overall management responsibility. The Urban County Government uses fund accounting for financial management of all federal funds in accordance with OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments." Established procedures are in place to provide separate financial records for each project for the purpose of identifying the source and use of grant funds. All expenses are fully supported by source documentation. The Urban County Government has three divisions that interact to ensure compliance with regulations. Our *Division of Grants and Special Programs* serves as the centralized grants management unit for all federal and state grants for purposes of monitoring allowable costs and to ensure timely programmatic and financial reporting. Our *Division of Accounting* maintains the general accounting system and is responsible for paying all invoices. This Division has responsibility for reviewing and approving financial reports prepared by the Division of Grants and Special Programs. Our *Division of Central Purchasing* is responsible for all major purchases for the Urban County Government. This Division has responsibility for ensuring that the procurement regulations are met as well as the federal procurement provisions contained in 40 CFR Part 31. In 2006, the Urban County Government began implementation of an Enterprise Resource Planning system based on Oracle PeopleSoft version 8.9, with the goal of integrating all information systems and business processes. The Projects/Grants module was launched July 1, 2009 and is the principal tool used to track and monitor financial progress under the grant.

Tom Webb, Environmental Initiatives Program Manager Sr. in the Division of Environmental Services will be the Project Manager for the grant. Mr. Webb has spent his entire professional career in the environmental field. He joined the City of Lexington in July of 1993 and has worked on LFUCG and community environmental issues ever since. First as Environmental Services Program Manager, then as the City's Environmental Compliance Coordinator, and finally in his current position as the City's Environmental Initiatives Program Manager Senior. Since joining the LFUCG, he has been responsible for successfully administering federal programmatic grants including LFUCG's \$400,000 EPA Brownfield Program Assessment Grant which ended in September 2014 and Lexington's 2.7 million dollar Energy Efficiency and Conservation Block Grant. Prior to joining the LFUCG he worked as an environmental consultant. Mr. Webb is a Certified Professional Geologist in the Commonwealth of Kentucky and a Certified Hazardous Materials Manager. The Project Manager will work closely with the assigned Grant Manager within the Division of Grants and Special Programs to monitor the financial and reporting aspects of the grant. The Grant Manager has been trained in grant reporting requirements and has 20 years of experience successfully managing grants for the Urban County Government. Also, Lexington has created the position of "Infill and Redevelopment Facilitator", a senior level position in

the Division of Planning to help shepherd developers through the local process and to make recommendations regarding improvements to the overall growth management system to promote infill and redevelopment. Developers of the Courthouse will have the opportunity to work directly with this position in order to identify potential issues and to ensure that the development process will go as smoothly as possible.

The Urban County Government expects to retain the services of a qualified environmental consulting firm to perform the technical work and abatement work for the clean up grant. The consulting firm will be selected using a competitive procurement qualification-based process that complies with the provisions of 40 CFR Part 31.36.

**b. Audit Findings *Description of Adverse Audit Findings***

The Single Audit Report under OMB circular A-133 for the year ended June 30, 2013 includes findings and questioned costs for federal awards summarized as follows: 2013-04 Census data was incorrectly calculated for the Community Oriented Policing Services Grant, resulting in ineligible amounts being claimed for reimbursement.

Summary: The Government incorrectly overstated the number of officers that could be claimed for reimbursement for two pay periods, resulting in questioned costs of \$21,060. The Government has reviewed the amounts claimed and has made the necessary corrections. The Government has also amended its process to ensure that future submittals are correct.

**c. Past Performance and Accomplishments**

i). Currently or Has Ever Received an EPA Brownfields Program Grant. The Lexington-Fayette Urban County Government received a \$200,000 EPA FY 2010 Brownfields Petroleum Assessment Grant in July of 2010 and a \$200,000 EPA FY 2011 Brownfields Hazardous Substances Assessment Grant in July of 2011, under Cooperative Agreement Number BF-95461610-1.

1). We are currently compliant with the terms of these grants and have made sufficient progress as defined by the EPA. The assessment grant period ended September 30, 2014 and all of the \$400,000 in EPA Brownfield Program assessment grant funds have been successfully expended. Our final MBE/WBE report, Quarterly Report and Federal Financial Report have all been submitted and we are now preparing a final performance (close out) report that will be submitted by the end of our assessment grant reporting period (December 30, 2014).

2). A total of 15 properties participated in our EPA brownfield assessment grant program. Phase I ESAs were completed at all of these sites so one notable output is the assessment of 15 properties. Phase II ESAs were completed at 9 of these properties, our second output. Analysis of Brownfield Cleanup Alternatives were completed for six properties; this being our third output. All of these outputs and outcomes have been recorded in ACRES reporting system as required by the terms of our assessment grants.

## **APPENDIX A THRESHOLD CRITERIA**

**Lexington Fayette Urban County Government, Lexington, Kentucky**  
**Brownfield Cleanup Grant Narrative Proposal**  
215 West Main Street, Lexington, KY  
**THRESHOLD CRITERIA FOR CLEANUP GRANTS**

**I. Applicant Eligibility**

**a. Eligible Entity**

The Lexington-Fayette Urban County Government (LFUCG) is a merged city-county government in the Commonwealth of Kentucky and is defined by EPA and 40 CFR Part 31 as a general-purpose unit of local government and therefore is eligible for this grant.

**b. Site Ownership**

The Lexington-Fayette Urban County Government is the sole owner of the Old Courthouse building located at 215 West Main Street, Lexington, KY where clean up will occur.

**2. Letter from the State or Tribal Environmental Authority**

A letter dated October 29, 2014 from Mr. Herbert Petitjean, Brownfield Coordinator with the Kentucky Department of Environmental Protection, Division of Compliance Assistance acknowledging their support of Lexington's cleanup grant application is included as an attachment as well as an October 29, 2014 "clearing house review letter" from the Kentucky Department for Local Government.

**3. Site Eligibility and Property Ownership Eligibility**

**Site Eligibility**

**a. Basic Site Information:**

Our cleanup grant application is for the Old Courthouse located at 215 West Main Street, Lexington, KY 40508. The Lexington-Fayette Urban County Government is the (sole) current owner of the site.

**b. Status and History of Contamination at the Site**

(a) Hazardous substances are the concern at this site.

(b) Our cleanup grant application is for the former Fayette County Courthouse which is now vacant due to environmental concerns. The Lexington-Fayette Urban County Government is the sole owner of this landmark building and the 0.96 acre tract it is situated on, as this tract was platted as the public square in 1780. The "Old Courthouse" is located at 215 West Main Street in the courthouse square and sits in the heart of our downtown. This beautiful 55,000 square feet 4-story stone Cruciform-plan building, in the shape of a Greek cross, is constructed in Richardsonian Romanesque architectural style and has a domed clock tower. This building, the pride of our community, was originally constructed in 1898 and served as our community's courthouse for over a century, until a modern courthouse complex was completed in 2002. This Courthouse was then used as museum space and to help facilitate Lexington Farmer's Market operations until September 2012 when environmental issues forced the implementation of institutional controls to limit exposure of workers and the public to lead-based paint. This in effect resulted in a cessation of all operations and the Lexington History Museum, the Lexington Public Safety Museum, and the Lexington Renaissance Pharmacy Museum were asked to remove their exhibits. The Courthouse remains closed to the public to this day.

Although the Old Courthouse is now shuttered, the City is still maintaining this structure using taxpayers' funds. The building has been secured, we are maintaining HVAC systems and providing ventilation, and lighting is being provided. In October 2013 our Urban County Council voted to pass an ordinance to spend \$250,000 on pre-development work at the Old Courthouse. Plus \$300,000 more was budgeted for stabilization work at the Old Courthouse through City Council ordinance (also in October of 2013). And in November 2014 the City Council voted unanimously to spend \$450,000 in additional LFUCG funds to address structural issues identified during the condition assessment (structural study) of the Old Fayette County Courthouse. It is important to note that, if the building is not returned to productive use in the near future, it may become necessary to "mothball" the building. Comprehensive mothballing programs are generally expensive and may cost 10% or more of a modest rehabilitation budget (*National Parks Services Technical Preservation Bulletin 31 Mothballing Historic Buildings*). Mothballing such a landmark building in the heart of downtown would be a poster child for community disinvestment and blight and would be a continuing drain on municipal resources. Plus there is a real cost in delaying, as we expect to encounter annual escalation rates of 4% to 5 %.

(c) The presence of lead based paint (LBP) was the initial environmental concern raised and was the original driver for "shuttering" the Courthouse in 2012. However after being shuttered, the Old Courthouse was assessed through Lexington's current EPA Brownfield Program Assessment Grant. A Phase II ESA was performed at the Old Courthouse in September 2013 and an ABCA prepared in January 2014 both under Lexington's existing Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1). In addition to lead-based paint, asbestos containing materials, mold, and bird droppings (guano) were confirmed to be present at the Courthouse during the Phase II environmental site assessment (ESA). Fluorescent light fixtures containing mercury and CFC containing HVAC equipment are also present. A draft Analysis of Brownfield Cleanup Alternatives (ABCA) was then developed to evaluate cleanup options for this building, also using our current brownfield assessment grant funding- the ABCA is attached to this application.

(d) We feel it is important to note the site did not "become contaminated" through improper disposal of hazardous substances on the site. Rather, the building is being impacted by environmental concerns caused by the presence of building materials commonly used in past construction throughout the country but which we now know pose environmental hazards. Specifically lead based paint (LBP) and asbestos containing materials (ACM) are the primary environmental concerns at this site and were used widely in buildings of this age. Based on sampling conducted to date, we estimate approximately 43,000 square feet is impacted by lead based paint to include approximately 6,000 square feet area in the rotunda containing a mixture of guano and flaked LBP. There is another 45,000 square feet of building space potentially impacted by lead dust which may require additional cleaning or removal. LBP was identified in the basement, first floor, second floor, third floor, and the rotunda/penthouse.

In regards to asbestos, approximately 38,000 square feet of building space has asbestos containing materials. ACM was identified in the crawlspace, basement, first floor, second floor, third floor, fourth floor and the rotunda. Approximately 320 square feet of visible mold was identified on the first floor, a lesser concern.

A hazardous materials inventory was also conducted to determine the number of lamps, ballasts, mercury-containing devices, chlorofluorocarbon (CFC)-containing equipment, and polychlorinated biphenyl (PCB)-containing equipment. AMEC counted a total of approximately 455 fluorescent light fixtures in the building, each likely having at least one ballast. No labeled PCB containing light ballasts were observed. A visual screening survey of equipment within the buildings was conducted to observe and document the presence, location, and condition of equipment which may contain CFC refrigerants such as R-11, R-12, and R-22. Eleven window air conditioning units and three residential 2 ton air conditioning coil units were observed.

**c. Sites Ineligible for Funding**

- (a) This site is not listed or proposed for listing on the National Priorities List.
  
- (b) This site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA.
  
- (c) This site is not subject to the jurisdiction, custody, or control of the United States Government.
  
- (d) This site does not require a property specific determination.
  
- (e) A Phase I environmental site assessment (ESA) for the Old Courthouse was completed by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC also completed a Phase II ESA dated 30 September 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process." A draft ABCA discussing cleanup options for the Old Courthouse was prepared January 7, 2014. All of these documents were prepared under Lexington's existing Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1).

**d. Sites Requiring a Property Specific Determination**

This site does not require a property-specific determination.

**e. Environmental Assessment Required for Cleanup Proposals**

As mentioned in the application, we have a very good understanding of the types and quantities of environmental contaminants present at the Old Courthouse, since extensive sampling and quantification have already been done here. A Limited Site Survey of Indoor Air Quality was done by Air Source Technology, Inc. (ASTI) dated September 20, 2012 to assess mold. A Lead Paint Inspection Report dated July 2012 was prepared by the LFUGG Division of Facilities Management which found high levels of lead in the basement and penthouse of the building. A Lead-Based Paint Risk Assessment Report was subsequently prepared by Compliance Technologies, LLC dated August 6, 2012 which recommended restricting access to the basement and penthouse, and limiting access to the 4th floor to staff only due to lead based paint hazards. An Asbestos Identification Survey and Inspection Report (dated July 2012) was prepared by the LFUGG Division of Facilities Management which found asbestos containing material (ACM) on all floors of the building.

Using Lexington's current EPA Brownfield Program Assessment Grant funds, a Phase I environmental site assessment (ESA) for the Old Courthouse was completed by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC also completed a Phase II ESA in September 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process."

**4. Property Ownership Eligibility**

**a. CERCLA Section 107 Liability**

The LFUGG is not potentially liable for contamination at this site under CERCLA since we are eligible for one of the CERCLA liability protections or defenses. Specifically the City of Lexington has owned this property since the 1780s when the property this building sits on was platted as the public square (the "Courthouse Square"). Fayette County's first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Old Courthouse and the subject of our

grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Old Courthouse, the 4<sup>th</sup> one built on this property, began in 1898.

Since ownership of the courthouse square property occurred in the 1700's prior to the finalization of the first ASTM Phase I standard (May 31, 1997), per EPA guidance the City is not a potentially responsible party and the site is eligible for a cleanup grant even though a Phase I environmental site assessment (ESA) meeting the all appropriate inquiries (AAI) requirement was not completed prior to ownership. Question 75 of the EPA Brownfield Program FY 2015 Grant Guidance *Frequently Asked Questions* document speaks specifically to this issue: "*Prior to the enactment of the 2002 Brownfield Amendments, the standard for AAI contained in CERCLA was that a party must show they conducted AAI into the previous ownership and uses of the property consistent with good commercial or customary practice. This is generally evaluated by looking at commercial or customary practice at the time and place the property was acquired. Depending on the specific circumstances, this may be anything from a title search to a full environmental assessment.*" As noted in the book *Historic Lexington Heart of the Bluegrass* when the 47 settlers who formed Lexington signed *The Articles of Agreement between the Citizens of Lexington* in 1780, the second resolution they passed called for the town to be laid out in lots and reserved 10 acres for "public uses" to include the tract the Old Courthouse occupies. The customary practices in use at the time would have been employed when this property was platted as a public square for Lexington which is sufficient to demonstrate that the applicant has satisfied AAI obligations.

#### **b. Enforcement or Other Actions**

There are no known ongoing or anticipated environmental enforcement or other actions related to this brownfield site for which funding is being sought.

#### **c. Information on Liability and Defenses/Protections**

##### **i) Information on the Property Acquisition**

The City of Lexington acquired ownership of this property in 1780, at the time Lexington was formed. The Old Courthouse building sits on property that was platted as the public square (the "Courthouse Square") in 1780. The City of Lexington (now LFUGG) is currently the sole owner of this property (fee simple). Due to the unusual length of time we have owned this building, we have had no familial, contractual, corporate or financial relationships or affiliations with any prior owners or operators.

##### **ii) Timing and/or Contribution Toward Hazardous Substances Disposal**

We feel it is important to note that disposal of hazardous substances has not occurred on this site and the site did not "become contaminated" through improper disposal of hazardous substances. Rather, the interior of the building is being impacted by environmental concerns caused by the presence of building materials commonly used in past construction throughout the country but which we now know pose environmental hazards. Specifically lead based paint (LBP) and asbestos containing materials (ACM) are the primary environmental concerns at this site and were used widely in buildings of this age. Based on sampling conducted to date, we estimate approximately 43,000 square feet is impacted by lead based paint. There is another 45,000 square feet of building space potentially impacted by lead dust which may require additional cleaning or removal. LBP was identified in the basement, first floor, second floor, third floor, and the rotunda/penthouse. Approximately 38,000 square feet has asbestos containing materials

Additional environmental concerns include guano (bird droppings) identified in the rotunda (estimated at 6,000 square feet in area) and approximately 320 square feet of visible mold on the first floor. The guano and mold concerns are due to natural processes and not due to disposal of hazardous substances.

A hazardous materials inventory was also conducted by our consultant (AMEC) to determine the number of lamps, ballasts, mercury-containing devices, chlorofluorocarbon (CFC)-containing equipment, and polychlorinated biphenyl (PCB)-containing equipment. AMEC counted a total of approximately 455 fluorescent light fixtures in the building, each likely having at least one ballast. No labeled PCB containing light ballasts were observed. A visual screening survey of equipment within the buildings was conducted to observe and document the presence, location, and condition of equipment which may contain CFC refrigerants such as R-11, R-12, and R-22. Eleven window air conditioning units and three residential 2 ton air conditioning coil units were observed. The presence of this lighting and HVAC equipment, which may contain substances that could be hazardous if released into the environment, has not resulted in any releases. Should this equipment be removed during redevelopment of the Old Courthouse, care will be taken to ensure this equipment is managed in accordance with applicable environmental regulations to prevent releases of hazardous substances.

iii) Pre-Purchase Inquiry

The LFUGG is not potentially liable for contamination at this site under CERCLA since we are eligible for one of the CERCLA liability protections or defenses. Specifically the City of Lexington has owned this property since the 1700's and the property this building sits on was platted as the public square (the "Courthouse Square") in 1780. Fayette County's first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Old Courthouse and the subject of our grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Old Courthouse began in 1898.

Since ownership of the courthouse square property occurred in the 1700's prior to the finalization of the first ASTM Phase I standard (May 31, 1997) per EPA guidance the City is not a potentially responsible party and the site is eligible for a cleanup grant even though a Phase I environmental site assessment (ESA) meeting the all appropriate inquiries (AAI) requirement was not completed prior to ownership. Question 75 of the EPA Brownfield Program FY 2015 Grant Guidance *Frequently Asked Questions* document speaks specifically to this issue: "*Prior to the enactment of the 2002 Brownfield Amendments, the standard for AAI contained in CERCLA was that a party must show they conducted AAI into the previous ownership and uses of the property consistent with good commercial or customary practice. This is generally evaluated by looking at commercial or customary practice at the time and place the property was acquired. Depending on the specific circumstances, this may be anything from a title search to a full environmental assessment.*" Lexington would have used the customary practices when originally obtaining the courthouse property which is sufficient to demonstrate that the applicant has satisfied AAI obligations. As noted in the book *Historic Lexington Heart of the Bluegrass* when the 47 settlers who formed Lexington signed *The Articles of Agreement between the Citizens of Lexington* in 1780, the second resolution they passed called for the town to be laid out in lots and reserved 10 acres for "public uses" to include the tract the Old Courthouse occupies. The customary practices in use at the time would have been employed when this property was platted as a public square for Lexington which is sufficient to demonstrate that the applicant has satisfied AAI obligations.

We have made inquiries into previous ownership, uses of the property, and environmental conditions prior to our ownership. Specifically a Phase I environmental site assessment (ESA) for the Old Courthouse was completed for the LFUGG by AMEC Environment and Infrastructure in 2012 using ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." AMEC personnel Bob Money and Tom Reed performed the Phase I Environmental Site Assessment and these individuals meet the definition of "qualified environmental professionals" as attested by the following statement included in the Phase I ESA: "*I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental professional as defined in 40 CFR Part 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.*" Bob Money and Tom Reed are both Professional Geologists.

AMEC also completed a Phase II ESA dated 30 September 2013 in accordance with ASTM Standard E1903-97(2002) "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process." A draft ABCA discussing cleanup options for the Old Courthouse was also prepared by AMEC on January 7, 2014. All of these documents were prepared under Lexington's existing Brownfield Program Assessment Grant (Cooperative Agreement BF-95461610-1).

<sup>e</sup> iv) Post-Acquisition Uses

Our cleanup grant application is for the former Fayette County Courthouse which is now vacant due to environmental concerns. The Lexington-Fayette Urban County Government is the sole owner of this landmark building and the 0.96 acre tract it is situated on, known as Courthouse Square, at 215 West Main Street.

This site has been used for public space since the public square was platted at this location in 1780. According to [www.Kaintuckeean.com](http://www.Kaintuckeean.com) the first schoolhouse in Kentucky was built on this site in 1783; in subsequent years four more of our community's courthouses were built on this site. Fayette County's first three courthouses were torn down or sold, the fourth burned on May 14, 1897, and the fifth courthouse (the Old Courthouse and the subject of our grant application) remains standing on the footprint of its two immediate predecessors. Construction on the Old Courthouse, the 4<sup>th</sup> one built on this property, began in 1898. The Old Courthouse then served as our community's courthouse for over a century, until a modern courthouse complex was completed in 2002 on a different parcel of land. This Courthouse was then used as museum space and to help facilitate Lexington Farmer's Market operations until September 2012 when environmental issues forced the implementation of institutional controls to limit exposure of workers and the public to lead-based paint. This in effect resulted in a cessation of all operations and the Lexington History Museum, the Lexington Public Safety Museum, and the Lexington Renaissance Pharmacy Museum were asked to remove their exhibits. The Courthouse remains closed to the public to this day.

v) Continuing Obligations

The LFUCG has exercised appropriate care with respect to hazardous substances. As evidence of this, we submit the following information. Once the LFUCG became aware of lead based paint concerns, the LFUCG took steps to stop any continuing releases, prevent threatened releases, and prevent or limit exposure to any previously released hazardous substances. Specific steps included: cessation of museum operations; implementation of institutional controls for LFUCG Operations and Maintenance personnel that maintain the building; restricting access to Operations and Maintenance employees only, preparation of a Site Safety Plan, optimizing HVAC systems to limit the spread of lead based paint dust, and sampling to determine condition of the building and the extent of environmental concerns. A Limited Site Survey of Indoor Air Quality was done by Air Source Technology, Inc. (ASTI) dated September 20, 2012 to assess mold. A Lead Paint Inspection Report dated July 2012 was prepared by the LFUCG Division of Facilities Management which found high levels of lead in the basement and penthouse of the building. A Lead-Based Paint Risk Assessment Report was subsequently prepared by Compliance Technologies, LLC dated August 6, 2012 which recommended restricting access to the basement and penthouse, and limiting access to the 4th floor to staff only due to lead based paint hazards. An Asbestos Identification Survey and Inspection Report was prepared by the LFUCG Division of Facilities Management dated July 2012 which found asbestos containing material (ACM) on all floors of the building.

As further evidence, although the Old Courthouse is now shuttered, the City is still maintaining this structure using taxpayers' funds. The building has been secured, we are maintaining HVAC systems and providing ventilation, and lighting is being provided. In October 2013 our Urban County Council voted to spend \$250,000 on pre-development (engineering, architectural design and environmental) work at the Old Courthouse. Plus \$300,000 more was budgeted for stabilization work at the Old Courthouse by our City Council also in October of 2013. And in November 2014 the City Council voted unanimously to spend \$450,000 in additional LFUCG funds to address structural issues identified during the condition assessment (structural study) of the Old Fayette County Courthouse. All of these funds were committed via passing of Council ordinances.

The LFUCG confirms our commitment to comply with all land use restrictions and controls; assist and cooperate with those performing the cleanup and provide access to the property; comply with all information requests and administrative subpoenas that have or may be issued in connection with the property and; provide all legally required notices.

#### 4) Cleanup Authority and Overall Structure

a) The LFUCG has the full support of the Kentucky Department of Environmental Protection. This state agency will have regulatory authority over abatement activities and administers its brownfields program through the Division of Compliance Assistance (DCA). This site will be enrolled in the Kentucky state response program. We will comply with all federal and state laws and ensure that clean up activities protect human health and the environment.

The Urban County Government has a history of successfully managing and performing work in accordance with our grants. The Urban County Government's staff will administer this clean up grant and will have responsibility for the financial management, contracting, consultant/contractor selection and oversight, and all reporting functions with the Division of Environmental Services having overall management responsibility.

The Urban County Government uses fund accounting for financial management of all federal funds in accordance with OMB Circular A-102, "*Grants and Cooperative Agreements with State and Local Governments.*" Established procedures are in place to provide separate financial records for each project for the purpose of identifying the source and use of grant funds. All expenses are fully supported by source documentation. The Urban County Government's Department of Finance and Administration has three divisions that interact to ensure compliance with regulations. Our *Division of Community Development* serves as the centralized grant management unit for all federal and state grants for purposes of monitoring allowable costs and to ensure timely programmatic and financial reporting. Our *Division of Accounting* maintains the general accounting system and is responsible for paying all invoices. This Division has responsibility for reviewing and approving financial reports prepared by the Division of Community Development. Our *Division of Central Purchasing* is responsible for all major purchases for the Urban County Government. This Division has responsibility for ensuring that the procurement regulations are met as well as the federal procurement provisions contained in 40 CFR Part 31. In 2006, the Urban County Government began implementation of an Enterprise Resource Planning system based on Oracle PeopleSoft version 8.9, with the goal of integrating all information systems and business processes. The Projects/Grants module was launched July 1, 2009 and will be the principal tool used to track and monitor progress under the grant.

Tom Webb, Environmental Initiatives Program Manager Sr. in the Division of Environmental Policy will be the Project Manager for the grant. Mr. Webb has spent his entire professional career in the environmental field. He joined the City of Lexington in July of 1993 and has worked on LFUCG and community environmental issues ever since. First as the Environmental Services Program Manager, then as the City's (first) Environmental Compliance Coordinator, and finally in his current position as the City's (first) Environmental Initiatives Program Manager Sr. Since joining the LFUCG, he has been responsible for successfully administering several federal programmatic grants including Lexington's current \$400,000 EPA Brownfield Program Assessment Grants and Lexington's 2.7 million dollar Energy Efficiency and Conservation Block Grant. Prior to joining the LFUCG he worked as an environmental consultant. Mr. Webb is a Certified Professional Geologist in the Commonwealth of Kentucky and a Certified Hazardous Materials Manager.

The Project Manager will work closely with the assigned Grant Manager within the Division of Community Development to monitor the financial and reporting aspects of the grant. The Grant Manager has been trained in grant reporting requirements and has 20 years of experience successfully managing grants for the Urban County Government.

The Urban County Government expects to retain the services of a qualified environmental consulting firm to perform the technical work and abatement work for the clean up grant. The consulting firm will be selected using a competitive procurement qualification-based process that complies with the provisions of 40 CFR Part 31.36. The successful consulting firm will have the following minimum qualifications: demonstrated thorough knowledge of Kentucky's Voluntary Environmental Remediation Program and a history of successfully completing brownfield cleanup and redevelopment projects and meeting EPA Brownfield Program grant requirements.

b) Since clean up activities will occur entirely inside the Old Courthouse building and the site is large enough to stage equipment on, we do not anticipate any impacts to other properties and will not need to seek access to other properties.

#### 5. Cost Share

##### a) Statutory Cost Share

i) In October 2013 our Urban County Council voted to spend \$250,000 on pre-development work at the Old Courthouse to include environmental work; \$40,000 of this \$250,000 will be used as our match should we be selected to receive an EPA cleanup grant. This in effect means the expenditure of these funds has already been approved by our government and the funds are ready for use now. Council resolution 687-2014 (dated December 4, 2015) stating our intent to apply for this cleanup grant application and provide the \$40,000 match is attached to our application.

ii) We are not requesting a hardship waiver.

#### 6. Community Notification

The LFUCG provided public notice to the community more than two weeks prior to the grant due date of December 19, 2014 that we would be making application for the EPA Brownfield Program Cleanup Grant using our customary methods and that we were accepting comments on the application. This notice, was provided in several ways: through a November 21, 2014, LFUCG Media Release which goes out to nearly all the local media organizations; through posting on the City's website; and through social media (Facebook). Copies of the notification are attached to our application. A central email address was also established to receive public comments submitted via the web.

A public meeting to discuss the cleanup grant application was held 5:30 pm on December 1, 2014, to discuss the application and accept public comments. A written agenda was disseminated at this meeting and agenda topics included introductions, purpose of meeting, sign in sheet, description of efforts to date, cleanup application review, acceptance of comments/suggestions, and next steps. The public meeting agenda, sign in sheet and comments are attached to this document as well as a written summary of the public meeting. All comments received at the public meeting were positive and very supportive of the grant application. One commenter stated she believes the local Bar Association can get involved in supporting this project. A second commenter noted that if you create a "clean shell" occupants will come.

Also we received eight comments via the web and all of these comments were also very supportive. These email comments used adjectives to describe the Old Courthouse such as "crucial," "critical," "amazing," "beautiful," "grand," "former glory," and "elegant." In addition to the supportive comments one commenter asked whether the amount requested was adequate- the LFUCG responded that the requested 200 K in EPA Brownfield Program cleanup grant funds will be used to leverage additional funds. Another commenter asked about the possibility of locating his business at the Old Courthouse once it is cleaned up and made available for occupancy- the LFUCG responded that redeveloping the building through public private partnerships was one of our goals. Finally a third commenter expressed concerns as to whether the historical fabric of the building will be preserved during renovations- the LFUCG response is that it will as the Director of our local Division of Historic

Preservation is on the Team redeveloping the Old Courthouse. The comments received via the web are also attached to this application.

It was not necessary to make significant revisions to the grant application in response to the comments received. Nevertheless the LFUCG responded to all commenters and these responses are also included in our application.



## ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary

DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF COMPLIANCE ASSISTANCE

300 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-0323  
FAX (502) 564-4245  
www.dep.ky.gov

October 29, 2014

Mayor Jim Gray  
Lexington Fayette Urban County Government  
200 East Main Street  
Lexington, KY 40507

Re: Letter of Support for Brownfield Grant Application from the Lexington Fayette Urban County Government

Dear Mayor Gray:

The Kentucky Department for Environmental Protection (DEP) is supportive of, and committed to, the work of the Lexington Fayette Urban County Government (LFUCG) to identify and address brownfield sites in the community. DEP is the state agency charged by the legislature with the responsibility of implementing the Kentucky equivalent of the federal Superfund program, and as such, is an essential component of any attempt to systematically address brownfields redevelopment. We support LFUCG's application for a Brownfield Cleanup Grant for the former Fayette County Courthouse and look forward to continuing our work with the city on this important issue.

Sincerely,

Herbert Petitjean  
Brownfield Coordinator

HCP:hp

cc: Tom Webb (LFUCG)  
Irene Gooding (LFUCG)  
Amanda LeFevre (Brownfield Outreach Coordinator)  
Danielle Crosman (Division of Compliance Assistance)  
Sheri Adkins (Division of Waste Management)  
Jim Kirby (Division of Waste Management)  
Richard Thomas (Division of Waste Management, Frankfort Regional Office)



STEVEN L. BESHEAR  
GOVERNOR

DEPARTMENT FOR LOCAL DEVELOPMENT  
OFFICE OF THE GOVERNOR  
1024 CAPITAL CENTER DRIVE, SUITE 340  
FRANKFORT, KENTUCKY 40601-8204  
PHONE (502) 573-2382 FAX (502) 573-2939  
TOLL FREE (800) 346-5606  
www.dlg.ky.gov

TONY WILDER  
COMMISSIONER

October 29, 2014

Ms. Irene Gooding  
LFUCG  
200 East Main Street  
Lexington, KY 40507

**RE: Brownfield Program Cleanup for Old Fayette County Courthouse  
Building  
SAI# KY20131205-1138  
CFDA# 66.818**

Dear Ms. Gooding:

Pursuant to your request, the State Clearinghouse will update its evaluation of SAI# **KY20131205-1138**. The State Clearinghouse has contacted appropriate state agencies and determined its previous comments regarding this proposal are still valid.

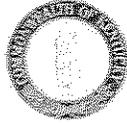
Please consider this correspondence as official notification that the State Clearinghouse is reaffirming its previous correspondence. This endorsement remains valid for a period of one (1) year from the date of this letter.

If you have any questions regarding this matter, please feel free to contact the State Clearinghouse at 502-573-2382.

Sincerely,

Lee Nalley  
Kentucky State Clearinghouse





STEVEN L. BESHEAR  
GOVERNOR

DEPARTMENT FOR LOCAL GOVERNMENT  
OFFICE OF THE GOVERNOR  
1024 CAPITAL CENTER DRIVE, SUITE 340  
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WWW.DLG.KY.GOV

TONY WILDER  
COMMISSIONER

December 23, 2013

Ms. Irene Gooding  
LFUCG  
200 East Main Street  
Lexington, KY 40507

**RE:** Brownfield Program Cleanup for Old Fayette County Courthouse Building  
SAI# KY20131205-1138  
CFDA# 66.818

Dear Ms. Gooding:

The Kentucky State Clearinghouse, which has been officially designated as the Commonwealth's Single Point of Contact (SPOC) pursuant to Presidential Executive Order 12372, has completed its evaluation of your proposal. The clearinghouse review of this proposal indicates there are no identifiable conflicts with any state or local plan, goal, or objective. Therefore, the State Clearinghouse recommends this project be approved for assistance by the cognizant federal agency.

Although the primary function of the State Single Point of Contact is to coordinate the state and local evaluation of your proposal, the Kentucky State Clearinghouse also utilizes this process to apprise the applicant of statutory and regulatory requirements or other types of information which could prove to be useful in the event the project is approved for assistance. Information of this nature, if any, concerning this particular proposal will be attached to this correspondence.

You should now continue with the application process prescribed by the appropriate funding agency. This process may include a detailed review by state agencies that have authority over specific types of projects.

This letter signifies only that the project has been processed through the State Single Point of Contact. It is neither a commitment of funds from this agency or any other state or federal agency.

**The results of this review are valid for one year from the date of this letter.**  
Continuation or renewal applications must be submitted to the State Clearinghouse annually. An application not submitted to the funding agency, or not approved within one year after completion of this review, must be re-submitted to receive a valid intergovernmental review.

If you have any questions regarding this letter, please feel free to contact my office at 502-573-2382.

Sincerely,

A handwritten signature in cursive script that reads "Lee Nalley". The signature is written in dark ink and is positioned below the word "Sincerely,".

Lee Nalley  
Kentucky State Clearinghouse

Attachments

The Housing, Building, Construction has made the following advisory comment pertaining to State Application Identifier Number KY201312051138  
No comments

The Natural Resources has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

This review is based upon the information that was provided by the applicant through the Clearinghouse for this project. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications, or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

The KY Dept. of Transportation has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

Sizemore (D-7), Ricky: In the event construction activities encroach upon state maintained right of way, it may become necessary to obtain a standard encroachment permit. Permit requests and questions may be directed to Daniel Kucela, District Seven Highway Dept. Permits Engr. @ 763 W. New Circle Road, Lexington, KY 40512. Phone (859) 246-2355 or email at daniel.kucela@ky.gov.

The Heritage Council has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

The applicant must ensure compliance with the Advisory Council on Historic Preservation's Rules and Regulations for the Protection of Historic and Cultural Properties (36CFR, Part 800) pursuant to the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969, and Executive Order 11593.

The former Fayette County Courthouse is listed in the National Register of Historic Places. The project includes elements with potential to result in an adverse effect, so plans should be developed to ensure all work on the building conforms to the Secretary of the Interior's standards and guidelines and applicable information from related publications, like the National Park Service's Preservation Briefs. More specific plans or a detailed scope of work outlining the locations and methods planned for clean-up activities must be submitted for review prior to any work beginning in the courthouse.

If any clean-up activities include abating materials in soils around the building, we recommend coordinating as soon as possible with our office to determine whether you need to plan for archaeology as part of the project.

An invitation for consulting parties involvement should be issued to at least the LFUCG Division of Historic Preservation and the Blue Grass Trust for Historic Preservation to determine if these entities would like to participate in plan review; the federal agency should be consulted on protocol re: consulting parties involvement.

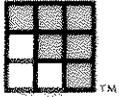
If you have questions regarding these comments, please contact Jill Howe at 502-564-7005, ext. 121.

The Labor Cabinet has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

PW RATES MAY APPLY IF PROJECT COST EXCEEDS \$250,000.00. CONTACT KY LABOR CABINET AT 502 - 564 3534

The KY State Fish & Wildlife has made the following advisory comment pertaining to State Application Identifier Number KY201312051138

Based on the information provided, the Kentucky Department of Fish & Wildlife Resources has no comments concerning the proposed project. Please contact Dan Stoelb @ 502-564-7109 ex. 4453 or Daniel.Stoelb@ky.gov if you have further questions or require additional information.



Lexington  
Downtown  
Development  
Authority

101 East Vine Street  
Lexington, KY 40507

Office: (859) 425-2296

Fax: (859) 425-2292

[www.lexingtondda.com](http://www.lexingtondda.com)

**Board of Directors**

David Freibert, Chair  
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Mary Beth Wright

**Staff**

Jeff Fugate, *President*  
Brandi Berryman, *Project Manager*  
Maya DeRosa, *Project Analyst*  
Mary Rankin, *Administrative Aide*

November 12, 2014

Hon. Jim Gray, Mayor  
Lexington-Fayette Urban County Government  
Office of the Mayor  
200 East Main Street  
Lexington, KY 40507

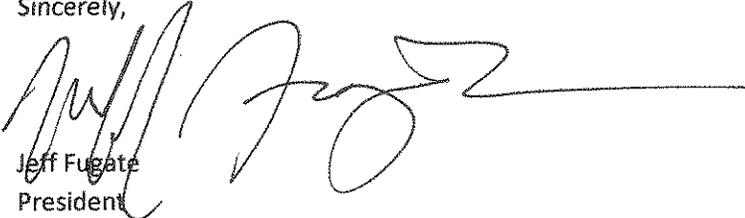
Dear Mayor Gray:

As you know, the LDDA is acutely interested in seeing the redevelopment of the Old Fayette County Courthouse. It remains Lexington's final landmark public building that predates the 20<sup>th</sup> Century and holds promise as an anchor for the ongoing redevelopment of Lexington's downtown.

With challenging buildings such as the courthouse, environmental issues often pose an expensive roadblock to the economics of redevelopment. As the LDDA has been charged with finding and implementing a redevelopment solution, we are extremely supportive of your application to the EPA for brownfields assistance. Remediation will clear the way for the next step of redevelopment.

To demonstrate our support, the LDDA has budgeted \$250,000 toward the predevelopment efforts for the Courthouse to match the EPA grant, should it be awarded.

Sincerely,



Jeff Fugate  
President

cc: Jada Griggs, Environmental Initiatives Specialist, LFUCG Division of Environmental Policy

Courthouse Square Foundation, Inc.  
835 Glendover Road  
Lexington, KY 40502

December 12, 2014

Hon. Jim Gray, Mayor  
Lexington-Fayette Urban County Government  
Office of the Mayor  
200 East Main Street  
Lexington, KY 40507

Dear Mayor Gray:

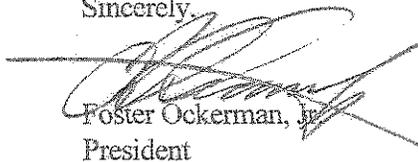
The Courthouse Square Foundation, Inc., a Kentucky nonprofit corporation exempt under IRC 501(c)(3), was formed to assist in raising public support for restoration of the Old Courthouse. We have been working with the Downtown Development Authority to that goal.

Obviously, the brownfields cleanup grant will be vitally important to funding a critical step in the process of restoration.

We look forward to continuing in our advisory capacity to you and your staff as well as the DDA in working towards the restoration of this important landmark in our community, and in providing educational outreach to the community.

We support your efforts to obtain this grant.

Sincerely,



Foster Ockerman, Jr.  
President



*"DLC is a partnership of businesses, individuals and the public sector committed to the shared vision of a clean, safe and vibrant Downtown."*

November 7, 2014

Hon. Jim Gray, Mayor  
Lexington-Fayette Urban County Government  
Office of the Mayor  
200 East Main Street  
Lexington, KY 40507

Dear Mayor Gray:

Downtown Lexington Corporation (DLC) works to promote downtown Lexington to make it a desirable place to live, work and visit. We have been in the community for over 25 years and have been privileged to see our downtown grow and thrive, especially in the last few years.

The Old Courthouse is an icon in our downtown and to have it rehabilitated is critical to ensuring that the area surrounding it continues to thrive and serve as a gathering spot for so many people. The blocks surrounding the Old Courthouse have become downtown's entertainment district and have seen dozens of new businesses open in recent years. If left unattended, this building will continue to deteriorate and that will likely be damaging to the entire district and would set the success of our downtown back.

DLC's staff would be willing to serve on any advisory committee or task force that might be formed in regard to this project. I have a unique understanding of how this grant can benefit downtown Lexington and what will be involved; my undergraduate degree is in Landscape Architecture and my Masters' degree is in Public Administration with a focus in Environmental Quality. DLC would also be willing to get information out to the public about any meetings or what the benefit of this project would be for downtown Lexington. Additionally, DLC has a large network of public outreach through our social media, weekly e-newsletters and weekly radio interviews.

DLC strongly supports the LFUCG in their efforts to restore the Old Courthouse by obtaining an EPA grant through the Brownfield Program. This iconic building deserves to be rehabilitated and will serve as a beacon in our downtown for decades to come.

Sincerely,

Renee Jackson  
President, Downtown Lexington Corporation

cc: Jada Griggs, Environmental Initiatives Specialist, LFUCG Division of Environmental Policy



Mr. Phil Vorsatz  
Atlanta Federal Center  
61 Forsyth Street SW.  
10th FL, Atlanta, GA 30303-8960

December 8, 2014

Dear Mr. Vorsatz:

On behalf of the Lexington Farmers' Market, I am writing this letter to express strong support for the Lexington-Fayette Urban County Government's application for funding through the Environmental Protection Agency's Brownfields Program.

The Lexington Farmers' Market is one of Kentucky's premier farmers' markets; with recognition nationally from American Farmland Trust and locally from the Kentucky Association of Farmers' Markets. The Lexington Farmers' Market, a member-owned agricultural production cooperative, has over 75 members who bring locally grown and sourced products to market every Saturday of the year. During the peak summer months, the market attracts thousands of patrons to its home in Cheapside Park and the adjacent Old Courthouse area.

Upon the closure of the Old Courthouse, located at 215 West Main Street (directly adjacent to the market), the Lexington Farmers' Market lost access to several important health and safety amenities and Lexington was forced to shutter its iconic landmark. The Old Courthouse was the primary restroom facility for the Lexington Farmers' Market; providing a clean environment for both market members and customers. The Old Courthouse was the designated severe weather sheltering facility for Lexington Farmers' Market, providing a safe space in case of emergency. Additionally, structural integrity concerns have forced the closure of space around the exterior of the Old Courthouse that was historically used by market members; this area is currently blocked off with construction fencing and obstructs the market's flow.

A revitalized Old Courthouse would once again provide health and safety amenities for the Lexington Farmers' Market. A revitalized Old Courthouse would act as a vibrant downtown anchor, attracting an increased number of potential new customers. A revitalized Old Courthouse area would expand the potential footprint of the market, allowing for increased market membership and local business expansion.

It is with great confidence that the Lexington Farmers' Market endorses the Lexington-Fayette Urban County Government's application for \$200,000 in funding through the EPA's Brownfields Program. The Lexington Farmers' Market can commit support by sharing surveys with our customers and allowing information to be gathered from the community during market hours. The Lexington Farmers' Market promises to educate and advocate on behalf of revitalization efforts. And the Lexington Farmers' Market will promote the on-going efforts to improve and save important historic landmarks through the Brownfields Program.

Thank you for your consideration. If I can be of further assistance please contact me at any time.

Sincerely,

Josh England, Market Manager  
Lexington Farmers' Market  
PO Box 553  
Lexington, KY 40588-0553  
(859) 967-4760  
[josh@lexingtonfarmersmarket.com](mailto:josh@lexingtonfarmersmarket.com)



**Fayette Alliance**

603 West Short Street  
Lexington, Kentucky 40508  
859.281.1202 Phone  
859.281.1292 Fax  
info@fayettealliance.com  
fayettealliance.com

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October 31st, 2014

Hon. Jim Gray, Mayor  
Lexington-Fayette Urban County Government  
Office of the Mayor  
200 East Main Street  
Lexington, KY 40507

**Board Members**

Jimmy Bell  
Price Bell, Jr.  
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Daniel Cooper  
Kip Comett  
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Greg Goodman  
Gay Haggin VanMeter  
Dave Harper  
Stan Harvey  
Barry Holmes  
Patrick McGee  
Chauncey Morris  
John Phillips  
Tom Poskin  
Walt Robertson  
Don Robinson  
Jack van Nagell  
Griffin VanMeter  
Holly Wiedemann  
Anthony Wright

**Sustainers**

Josephine Abercrombie  
Helen Alexander  
Andover Management Group  
Ann Bakhaus  
Ian Banwell  
Antony & Angela Beck  
Gary Biszantz  
Alex Campbell  
Darley  
Fayette Co. Farm Bureau  
David & Philippa Fogg  
Greg Goodman  
Dave Harper  
John Hendrickson  
Sally Humphrey  
Keeneland Association  
KTA  
Murray & Teri Kessier  
Lane's End Farm  
Langley Properties Co.  
Lisa Lourie  
Deirdre Lyons  
Richard & Sue Ann Masson  
Joe & Jacqueline Murphy  
Don Robinson  
Bill Shively  
Tom VanMeter  
Derek Vaughan  
Fra Vaughan  
Brian & Lori Wood  
Misdee Wrigley Miller

**Executive Director**  
Knox van Nagell, J.D.

Dear Mayor Gray,

I am writing this letter on behalf of the Fayette Alliance. The Fayette Alliance is Lexington's only land-use advocacy organization dedicated to growing our city and promoting our farms.

Through our efforts at government and beyond, we believe that Lexington can be the model for sustainable growth by balancing and connecting our vibrant city with our productive and beautiful Bluegrass farmland.

In furtherance of this mission, The Fayette Alliance supports LFUCG's application to acquire a \$200,000 brownfield grant from the EPA.

If secured, this grant will address many environmental issues in Lexington's Old Courthouse building—located at 215 West Main Street-- such as cleaning up lead-based paint, asbestos-containing materials, mold, and bird droppings. Ultimately, these efforts will facilitate the redevelopment of this landmark property.

Fayette Alliance endorses LFUCG's brownfield clean-up grant, as it promotes environmental rehabilitation of one of Lexington's most iconic properties, and supports needed infill and redevelopment efforts in the city.

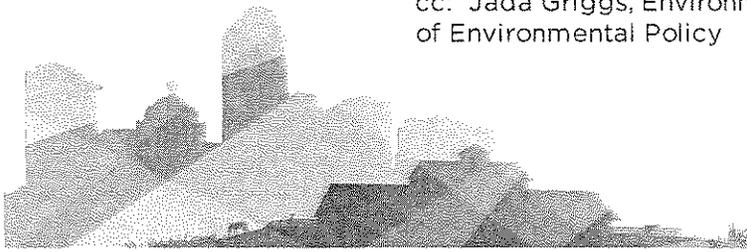
Thank you for your consideration, and please contact me anytime at 859.281.1202 if I can be of further assistance.

All my best,



Knox van Nagell, J.D.  
Executive Director  
Fayette Alliance

cc: Jada Griggs, Environmental Initiatives Specialist, LFUCG Division of Environmental Policy



RESOLUTION NO. 687-2014

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AND SUBMIT A BROWNFIELDS CLEANUP GRANT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY, TO PROVIDE ANY ADDITIONAL INFORMATION REQUESTED IN CONNECTION WITH THIS GRANT APPLICATION, AND TO ACCEPT THIS GRANT IF THE APPLICATION IS APPROVED, WHICH GRANT FUNDS ARE IN THE AMOUNT OF \$200,000 FEDERAL FUNDS, AND ARE FOR REMEDIATION OF ENVIRONMENTAL CONCERNS IDENTIFIED AT THE OLD FAYETTE COUNTY COURTHOUSE, THE ACCEPTANCE OF WHICH OBLIGATES THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF \$40,000 AS A LOCAL MATCH, AND AUTHORIZING THE MAYOR TO TRANSFER UNENCUMBERED FUNDS WITHIN THE GRANT BUDGET.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute and submit the Brownfields Cleanup Grant Application, which is attached hereto and incorporated herein by reference, to the Environmental Protection Agency, and to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$200,000 Federal funds, are for remediation of environmental concerns identified at the old Fayette County Courthouse, and the acceptance of which obligates the Lexington-Fayette Urban County Government for the expenditure of \$40,000 as a local match.

Section 2 - That subject to the provisions of Ordinance No. 22-79, the Mayor is hereby authorized, in his discretion as Chief Executive Officer of the Urban County Government, to transfer the unencumbered balance of any operating or capital account appropriation to another operating or capital account appropriation within the Grant budget previously established for this Grant.

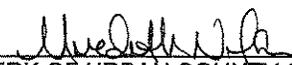
Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 4, 2014

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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ORDINANCE NO. 70 -2013

AN ORDINANCE APPROPRIATING THE REVENUES, EXPENDITURES/EXPENSES AND INTERFUND TRANSFERS FOR THE GENERAL SERVICES DISTRICT FUND, THE TENANT RELOCATION FUND, THE FULL URBAN SERVICES DISTRICTS FUND, THE POLICE CONFISCATED FEDERAL FUND, THE POLICE CONFISCATED STATE FUND, THE PUBLIC SAFETY FUND, THE MUNICIPAL AID PROGRAM FUND, THE COUNTY AID PROGRAM FUND, THE MINERAL SEVERANCE FUND, THE COAL SEVERANCE FUND, THE MISCELLANEOUS SPECIAL REVENUE FUND, THE POLICE CONFISCATED – TREASURY FUND, THE FY 2014 BOND PROJECTS FUNDS, THE SANITARY SEWER REVENUE AND OPERATING FUND, THE SANITARY SEWER CONSTRUCTION FUND, THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PUBLIC FACILITIES CORPORATION GENERAL FUND, THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PUBLIC FACILITIES CORPORATION PARKS PROJECTS FUND, THE WATER QUALITY MANAGEMENT FUND, THE LANDFILL FUND, THE RIGHT OF WAY PROGRAM FUND, THE EXTENDED SCHOOL PROGRAM FUND, THE PRISONERS' ACCOUNT FUND, THE ENHANCED 911 FUND, THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PUBLIC LIBRARY CORPORATION FUND, THE CITY EMPLOYEES' PENSION FUND, THE POLICE AND FIRE RETIREMENT FUND OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, THE MEDICAL INSURANCE FUND, THE PROPERTY AND CASUALTY CLAIMS FUND, AND THE REALLOCATION OF BOND PROJECT FUNDS, ON A DIVISIONAL LEVEL BY FOUR (4) CONTROL LEVELS, FOR THE FISCAL YEAR ENDING JUNE 30, 2014, FOR THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AND ITS AGENCIES AND INSTRUMENTALITIES; APPROVING AND ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS (FY) 2014 THROUGH (FY) 2019, AS A PORTION OF THE FISCAL YEAR (FY) 2014 ANNUAL CAPITAL IMPROVEMENTS BUDGET; AND APPROVING FUNDING FOR THE LEXINGTON-FAYETTE URBAN COUNTY TOURIST AND CONVENTION COMMISSION FROM THE TRANSIENT ROOM TAX, SAID FUNDING TO EQUAL 99 1/2% OF THE REVENUE FROM THE TAX.

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WHEREAS, the Mayor has prepared and submitted to the Urban County Council annual operating budgets and annual capital improvements budgets for the fiscal year ending June 30, 2014;

WHEREAS, pursuant to Section 8.03 of the Charter of the Urban County Government the Mayor has also presented a detailed summary of the capital improvements program plan for the next five fiscal years, as a part of the annual capital improvements budgets;

WHEREAS, public hearings on the budgets have been held;

WHEREAS, Ordinance No. 129-2005 was adopted June 9, 2005 setting forth the procedures for budget adoption;

WHEREAS, the Urban County Council has thoroughly reviewed the proposed budgets and has made certain amendments thereto, which amendments are reflected in the Mayor's Proposed Budget as amended by the Urban County Council, which is attached hereto and incorporated herein by reference as Exhibit "A";

WHEREAS, the Tourist and Convention Commission has pursuant to KRS 91A.390(1) submitted its budget, which is attached hereto and incorporated herein by reference as Exhibit "B", to the Urban County Council and requested funding for the 12 months fiscal year ending June 30, 2014.

NOW, THEREFORE, on the basis of the said budgets and in accordance with the provisions thereof,

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Revenues, Interfund Transfers, and Expenditures/Expenses for the General Services District Fund, the Tenant Relocation Fund, the Full Urban Services Districts Fund, the Police Confiscated Federal Fund, the Police Confiscated State Fund, the Public Safety Fund, the Municipal Aid Program Fund, the County Aid Program Fund, the Mineral Severance Fund, the Coal Severance Fund, the Miscellaneous Special Revenue Fund, the Police Confiscated – Treasury Fund, the FY 2014 Bond Projects Fund, the Sanitary Sewer Revenue and Operating Fund, the Sanitary Sewer Construction Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation General Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation Parks Projects Fund, the Water Quality Management Fund, the Landfill Fund, the Right Of Way Program Fund, the Extended School Program Fund, the Prisoners' Account Fund, the Enhanced 911 Fund, the Lexington-Fayette Urban County Government Public Library Corporation Fund, the City Employees' Pension Fund, the Police And Fire Retirement Fund of the Lexington-Fayette Urban County Government, the Medical Insurance Fund, the Property and Casualty Claims Fund, and the reallocation of Bond Project Funds, on a divisional level by four (4) control levels, for the fiscal year ending June 30, 2014, for Lexington-Fayette Urban County Government and its agencies and instrumentalities, are hereby allotted and reappropriated.

Section 2 - Pursuant to Sections 8.03 and 8.05 of the Charter of the Lexington-Fayette Urban County Government, the "Mayor's Proposed Capital Improvement Program", FY 2014-2019, attached hereto and incorporated herein by reference, is hereby accepted, approved and adopted as a portion of the annual capital improvements

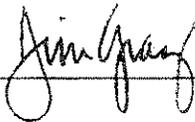
budget of the Lexington-Fayette Urban County Government for fiscal year 2014; provided, however, the capital improvements program for fiscal year 2015 through fiscal year 2019, adopted herein, shall be used as a planning device and not as a binding commitment for future capital improvement programs of the Urban County Government.

Section 3 - That pursuant to KRS 91A.390(1), the Lexington-Fayette Urban County Tourist and Convention Commission shall receive 99 1/2% of the revenue received from the 4% transient room tax imposed by Section 2-172(a) of the Code of Ordinances. The Lexington-Fayette Urban County Government shall retain 1/2% of said revenue to offset the cost of collecting the same.

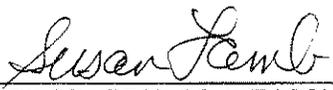
Section 4 - That the preamble set forth following the title to this Ordinance is incorporated herein as if set out in full.

Section 5 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 20, 2013

MAYOR 

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: June 27, 2013-1t  
659-13-DJB-ejo-X:\Cases\BUDGET\13-LE0001\CONT\00395699.DOC

ORDINANCE NO. 146 -2013

AN ORDINANCE AMENDING CERTAIN OF THE BUDGETS OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT FOR COMMITTEE OF THE WHOLE APPROPRIATIONS AS APPROVED AT WORK SESSION NOVEMBER 5, 2013, AND APPROPRIATING AND RE-APPROPRIATING FUNDS, SCHEDULE NO 0029.

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WHEREAS, it is necessary and proper to amend the budgets of the Lexington-Fayette Urban County Government for Committee of the Whole appropriations as approved at work session on November 5, 2013:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That certain of the Budgets of the Lexington-Fayette Urban County Government be and hereby are amended for Committee of the Whole appropriations as approved at work session on November 5, 2013, and that to effect such Amendments the following appropriations be and hereby are authorized and directed:

) \$7,060,560 from the Unappropriated Fund Balance in the General Services District-General Fund to various accounts.

) Re-appropriations within the General Fund Capital Projects Fund which does not result in changes to the Unappropriated Fund Balance of this fund.

Section 2 - That the purposes of the Budget Amendments and the Accounts to or from which funds are herein appropriated, are detailed in "BUDGET SCHEDULE NO. 0029", attached hereto and incorporated herein by reference.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 5, 2013

MAYOR



ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL  
1243-13\_DJB\_ejo\_X:\Cases\POL-BUD\13-LE0001\LEG\00416387.DOC  
PUBLISHED: December 12, 2013-1t



Lexington-Fayette Urban County Government  
DIVISION OF GOVERNMENT COMMUNICATIONS

Jim Gray  
Mayor

November 21, 2014

Contact: Tom Webb  
Office: 859-425-2808

## Lexington soliciting public comments for old courthouse cleanup grant application

Lexington is currently seeking public comments on a draft clean up grant application for the Old Fayette County Courthouse located at 215 West Main Street for submittal to the U.S. Environmental Protection Agency (EPA).

EPA's Brownfields Program provides funds to empower communities to clean up and reuse underutilized sites. Lexington is requesting \$200,000 in Fiscal Year 2015 clean up grant funds. If awarded, these federal funds will be used to help address environmental concerns identified at the Old Courthouse to include lead-based paint, mold, asbestos-containing materials, and bird droppings. Addressing environmental concerns is one of the key steps to making the Old Courthouse usable again.

The draft application can be viewed on the web at [www.Lexingtonky.gov/brownfields](http://www.Lexingtonky.gov/brownfields) or at the Central Library located at 140 East Main Street. A public meeting to accept comments on the application will be held 5:30 pm in the third floor Phoenix Building conference room 101 East Vine Street, Lexington, KY on Monday December 1, 2014. Public comments can also be submitted via [brownfields@lexingtonky.gov](mailto:brownfields@lexingtonky.gov).

The historic courthouse was constructed in 1898 to house the County's courts. The courts moved to new courthouses on Limestone Street in 2002.

Until it was closed in 2012 because of environmental concerns, the historic courthouse housed the Lexington History Museum, the Lexington Public Safety Museum and the Kentucky Renaissance Pharmacy Museum.

## City Calendar

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### **Brownfield Cleanup Grant Application Public Meeting**

for the old courthouse

**Date:** 12/1/2014 5:30 PM

**Location:** Phoenix Building, 3rd floor  
101 East Vine Street  
Lexington, Kentucky

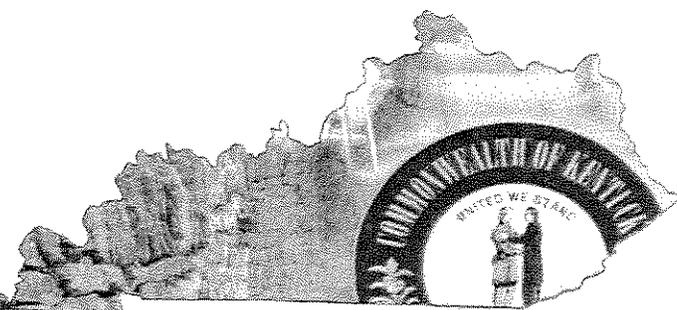
Add to my Outlook Calendar

Lexington is currently seeking public comments on a draft U.S. Environmental Protection Agency Brownfield Program clean up grant application for the historic Fayette County Courthouse at 215 West Main Street.

Learn more about the grant here.  
You can read the grant documents here.

If you cannot attend the meeting, comments may be emailed to [brownfields@lexingtonky.gov](mailto:brownfields@lexingtonky.gov).

# kaintuckeean.

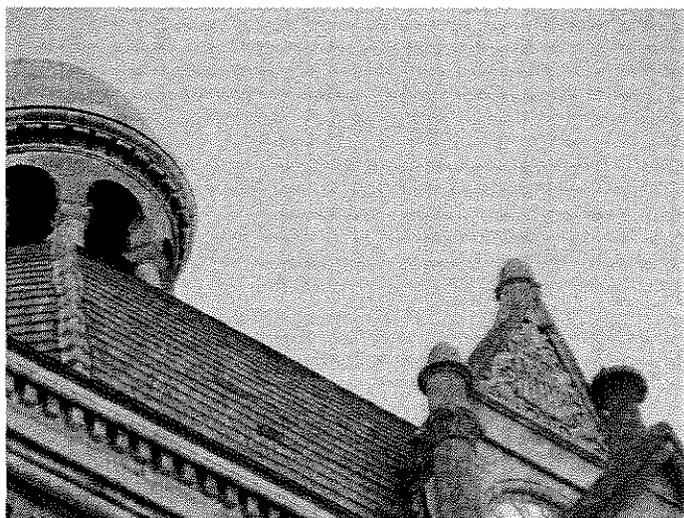


HOME LOST LEXINGTON STORE MEDIA & ADVERTISING ABOUT US

Monday, December 1, 2014

## Support the Fayette Courthouse ... TONIGHT

by Peter Brackney



How do you eat an elephant? One bite at a time.

That's the approach my grandfather took when tackling a big problem. And that's the approach that Lexington will need to take in order to save the historic 1898 courthouse in the heart of Lexington.

It is time to take a bite and a step toward preservation of this important structure which served as the center of Fayette County's governance for over a century.

The Lexington-Fayette UCG is requesting a \$200,000 grant from the EPA's Brownfields Program.

Brownfields are "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant" according to the EPA's website.

The old courthouse, as has been well-documented and reported since the building's public closure in 2012, contains a significant amount of lead-based paint, mold, asbestos, and guano (bird poop).

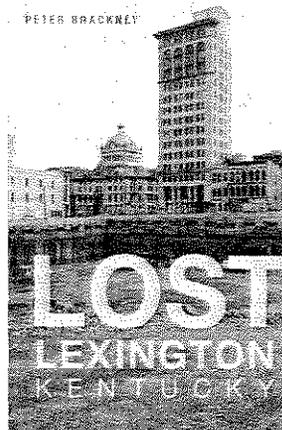
The city's Division of Historic Preservation describes the old courthouse as a "property of extreme importance architecturally and/or historically." There can be no doubt: the 1898 courthouse is significant and worthy of being preserved and restored. I don't know what the ultimate use for this important structure will be, but nothing can be



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Lost Lexington Signing at Joseph Beth TONIGHT

What is currently scheduled as my last 2014 book signing of Lost Lexington will be this evening at Joseph Beth Booksellers in Lexington...

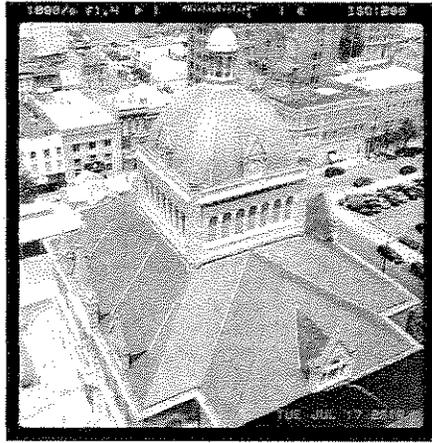


A Little Thanksgiving History

The First Thanksgiving 1621 by Jean Leon Jerome Ferris. Abraham Lincoln proclaimed the last Thursday of November, 1863 to be a day of "...

done unless and until the property is cleaned up and stabilized. Obtaining funds from the EPA Brownfields Program is a crucial step toward accomplishing the goal.

I was quite honored to read that much of the building's history that was contained in the Brownfield Application references *The Kaintuckeean's* March 1, 2012 post. If you are unfamiliar with the courthouse's links to Tibetan palaces and the Canterbury Tales, then you should click through and read the history.



But here's what you can do to help the grand old courthouse: **Show your support for the Grant Application.** In person, come tonight at 5:30 p.m. (December 1) to the public meeting (they are accepting public comment) to the third floor Phoenix Building conference room, 101 East Vine Street. Online, you can make your public comments (or statement of support) by sending an email to [brownfields@lexingtonky.gov](mailto:brownfields@lexingtonky.gov).

And for more details about Brownfields Application, visit [www.LexingtonKY.gov/brownfields](http://www.LexingtonKY.gov/brownfields).

**You might also like:**



kernel: Kentucky Architectural Photo Gallery  
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NoD: Old Bath County Jail

[Link within](#)

Tags: Fayette

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Madison Magoffin Marion Martin Mason McCracken  
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**DECEMBER 1, 2014 PUBLIC MEETING**

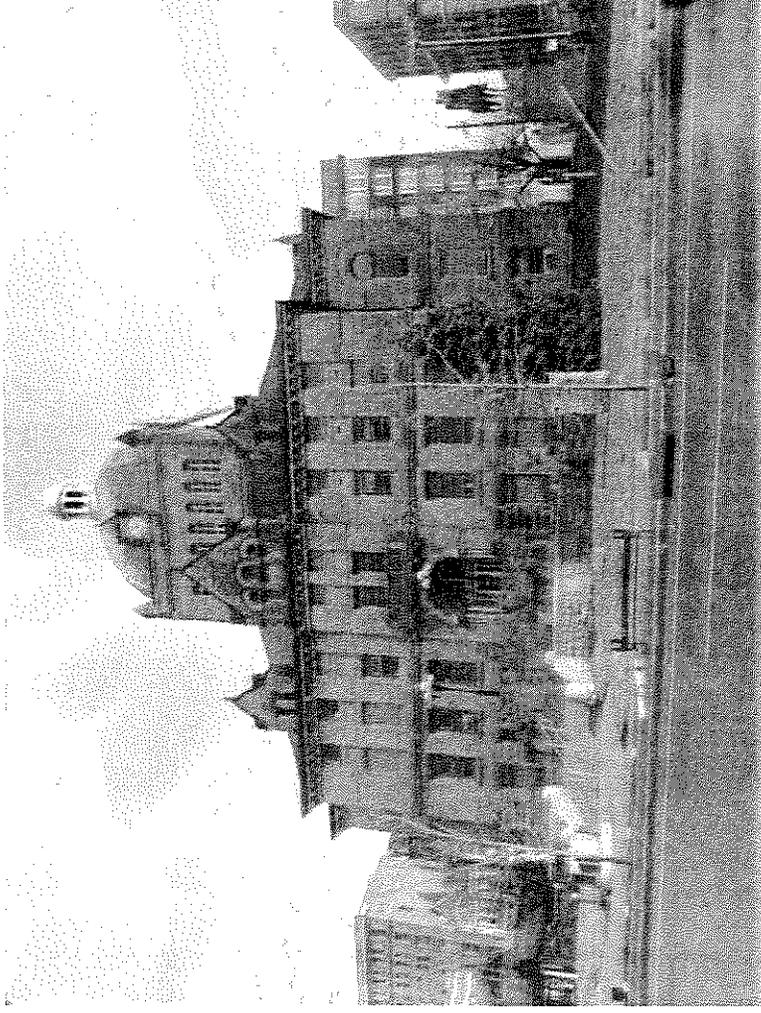
**EPA BROWNFIELD FY2015 CLEANUP GRANT APPLICATION**

**PHOENIX BUILDING  
101 EAST VINE ST, LEXINGTON, KY**

**AGENDA**

- **INTRODUCTIONS**
- **PURPOSE OF MEETING**
- **SIGN IN SHEET**
- **GRANT APPLICATION**
- **DESCRIPTION OF EFFORTS TO DATE**
- **DISCUSSION**
- **ACCEPTANCE OF PUBLIC COMMENTS**
- **MEETING CLOSE**

*2015 EPA Brownfield Program  
Cleanup Grant Application  
Public Meeting*



Old Courthouse 215 West Main Street

- 1  **2015 EPA Brownfield Program Cleanup Grant Application Public Meeting**
- 2  **What exactly is a Brownfield?**
  - For the purposes of EPA's Brownfields grant program it is "...real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant"
- 3  **Recap**
  - Courthouse closed in Sept 2012 due to environmental concerns
  - Phase I environmental assessment completed (2012)
  - Phase II environmental assessment completed (2013)
  - Draft Analysis of Brownfield Cleanup Alternatives (ABCA) completed (2013)
- 4  **Recap**
  - Applied for 200K FY 2014 EPA cleanup grant to address environmental concerns
  - Unsuccessful but "Oh so very close"
  - Applying again this cycle
  - High hopes for this year
- 5  **FY 2015 Cleanup Grant**
  - 200 K available per grantee
  - Can be used for addressing environmental concerns such as
    - Lead based paint
    - Asbestos
    - Mold
  - 20% local match required (40K)
- 6  **FY 2015 Cleanup Grant**
  - Site must be owned by government or nonprofit
  - Phase II and ABCA required
- 7  **FY 2015 Cleanup Grant**
  - Grant applications due Dec 19
  - Awards announced next spring (usually June)
  - 3 year grant period
  - Community notification required

8  Our Application

- Using last year's application as our starting point
- It's a work in progress- will be refining application right up to Dec 19
- Draft documents can be found at
  - On the web [www.Lexingtonky.gov/brownfields](http://www.Lexingtonky.gov/brownfields)
  - Central Library

9  Our Application

- Comments accepted at today's public meeting
- Comments being accepted via web at [brownfields@lexingtonky.gov](mailto:brownfields@lexingtonky.gov)
- "Any comments received and responses to those comments must be attached as part of cleanup grant proposal"

10  Our Application

- Public comments make our application stronger
  - So please provide your comments on the sheets provided
- Sign in sheet
  - Please make sure to sign

11  Thank You!

Lexington-Fayette Urban County Government, Lexington, KY  
Brownfields Cleanup Grant Proposal - Old Courthouse  
215 West Main Street, Lexington, KY

Public Meeting Summary  
5:30 PM Dec. 1, 2014  
101 East Vine Street, Lexington, KY

Introductions were made.

- Purpose of meeting was explained – to discuss the FY 2015 EPA Brownfield Program cleanup grant application for the Old Fayette County Courthouse located at 215 West Main Street and to accept public comments on this application.
- Presentation on brownfields was then given by Tom Webb, Environmental Initiatives Program Manager in the Division of Environmental Services to facilitate discussion. Topics included definition of a brownfield, overview of EPA's Brownfield Program, a recap of efforts to date, grant requirements, grant timing, and grant award. The presentation was informal and made to facilitate discussion- attendees were encouraged to ask questions at any time which resulted in a good amount of discussion.
- Tom Webb also explained previous Brownfield site assessment findings for the Old Courthouse and the draft Analysis of Brownfield Cleanup Alternatives (ABCA) prepared for the Old Courthouse. Noted LFUCG submitted an unsuccessful application for the 2014 EPA Cleanup grant last year and that The LFUCG is preparing a grant application for \$200,000 in 2015 EPA Cleanup grant funds for this grant cycle.
- Noted deadline for application is Dec. 19, 2014.

Efforts to date were described.

- Brandi Berryman with Lexington Downtown Development Authority (LDDA) presented the summary.
- Lexington Downtown Development Authority is reviewing options for funding redevelopment of the Old Courthouse project. Will involve public and private partnerships.
- LFUCG, with project management by LDDA, is conducting a conditions assessment for the Old Courthouse. Working with EOP and PDP consultants the team is analyzing the existing conditions of the facility including architectural, structural, and historic components. The study will result in a detailed report with recommended short and long term stabilization and repair needs along with cost estimates, all of which will coordinate with established historic preservation goals and the environmental Phase I & II reports and recommendations.
- From their initial assessment there were two areas of immediate concern which included the structural instability of the sidewalk above the basement along Short St. and the balconies on all four facades. Immediate action is being taken to address these life safety concerns. BFMJ structural engineers is developing a design for temporary shoring at this time and chain link fences will be installed along the perimeter of the building to restrict access to these identified areas.
- Additional services have been conducted or are underway to provide the most accurate assessment of the building. A selective demolition package

was recently completed by general services, which removed all drop ceilings, various non-historic partitions and selective floor coverings. With this now complete the consulting team is able to fully assess the condition of the structure to understand how the Old Courthouse can be best utilized and help reduce unknowns during future redevelopment. This work is still ongoing and the conditions assessment is set to be complete and findings presented to Urban County Council in early 2015.

Public comments were solicited and accepted.

- Note: All comments made and submitted were positive and supported the grant application.
- Copy of the draft grant application (minus) attachments was given to Joelle McComb local attorney. She believes the local Bar Association can get involved in supporting this project. She would like to generate enthusiasm with the members of the Bar Association and will forward information. Retired Judge, Sheila Isaacs has shown interest. A formal comment sheet was then submitted.
- Attendees were directed to the Brownfields webpage for more information including grant applications, attachments and submitting comments.
- Peter Bourne commented that if you give a "clean shell" occupants will come. Example being the Distillery District. Once cleaning was done, businesses have come.
- Tom mentioned 10,000 square feet of the Pepper Distillery building is now occupied by 7 occupants.
- Peter Brackney with the Kaintuckeean was mentioned as an outreach source for historical information. It was noted that the LFUCG Division of Historic Preservation posted a request for old photos of the Old Courthouse on their website.
- Attendees were asked to forward any additional public comments to Tom Webb through [brownfields@lexingtonky.gov](mailto:brownfields@lexingtonky.gov). All comments will be addressed in the application to the extent possible.
- Letters of support will be included in the application.
- Attendees were thanked for their support and the meeting was adjourned.



Lexington-Fayette Urban County Government, Lexington, KY  
Brownfields Cleanup Grant Proposal - Old Courthouse  
215 West Main Street, Lexington, KY  
Public Meeting

Comment Sheet

Addressing environmental concerns will be an important first step to gathering resources and ideas for restoring the Old Fayette County Courthouse. Look forward to hearing more about how this effort will dovetail with structural remediation.

This historic building needs to be saved!

Name: Neil McComb  
Date: December 1, 2014  
Location: Phoenix Building - 3<sup>rd</sup> Floor Conf. Room

livegreenlexington

**Thomas Webb**

---

**From:** Thomas Webb  
**Sent:** Monday, December 01, 2014 8:47 AM  
**To:** 'Casey Smith'  
**Subject:** RE: I SUPPORT THE FAYETTE COURTHOUSE

Casey thank you both for the support and the kind words. These is the kind of community support that the federal EPA likes to see when they are evaluating brownfield cleanup grant applications.

---

**From:** Casey Smith [mailto:ccsmit4@gmail.com]  
**Sent:** Monday, December 01, 2014 8:36 AM  
**To:** brownfields  
**Subject:** I SUPPORT THE FAYETTE COURTHOUSE

Good Morning,

It does not take long while driving through Lexington, KY to quickly notice the piece of history sitting off of Main Street in between Cheapside Park and North Upper Street. I'm of course referencing Lexington's Old Courthouse which has fallen into disrepair.

I would like to congratulate this group and this grant for recognizing the pressing need for this building and fixture of Lexington's history. It is crucial for the future of towns like Lexington that viability and mixed-use of buildings like the Old Courthouse be retained and restored.

Thank you for taking the time to read this note, I hope that it encourages the use of the EPA's Brownfield's Program.

Regards,  
Casey Smith  
270-303-1884  
Lexington Resident

**Thomas Webb**

---

**From:** Thomas Webb  
**Sent:** Tuesday, December 02, 2014 10:52 AM  
**To:** 'Peter Brackney'  
**Subject:** RE: Lexington Courthouse

Hi Peter. Thank you for voicing your support. This is the kind of community support that the federal EPA likes to see when they are evaluating brownfield cleanup grant applications so it definitely helps with our application.

Being able to use your history has been extremely helpful in our application. It helps us tell our story in the grant application in a very descriptive way which is critical to the EPA. I also appreciate you raising awareness of the public meeting and the grant application through your post- that's great!

---

**From:** Peter Brackney [mailto:pbrackney@gmail.com]  
**Sent:** Monday, December 01, 2014 4:50 PM  
**To:** brownfields  
**Subject:** Lexington Courthouse

To Whom It May Concern: Please add my voice to the list of citizens (a Nicholasville resident, technically, but a taxpayer by virtue of my employment here) standing in support of the brownfields application and the rehabilitation of the old historic courthouse.

My history of the courthouse features prominently in the application and for this I am grateful. I have written another post today in hopes that many will be aware of the application.

The courthouse is a critical piece of Lexington's historical fabric and identity. As stated by former Gov. Martha Layne Collins: "one of the focal points of any community is the courthouse - the place where so much of Kentucky's rich and fascinating history has been written."

Surely, there may be no more fascinating courthouse or courtyard than that in Fayette County.

I regret that I will be unable to make this evening's public meeting due to a prior engagement but stand strongly behind the LFUCG in its Brownfields Grant Application.

Regards,

--

**Peter Brackney**  
[www.kaintuckeean.com](http://www.kaintuckeean.com)  
[twitter](#) | [flickr](#) | [facebook](#)

*Look for my new book, Lost Lexington, at your favorite purveyor of books.*

"Make a resolution to lift someone's spirit each day and follow through with it."  
 - Gatewood Galbraith, Dec. 30, 2011.

Please consider the environment before printing this e-mail.

**Thomas Webb**

---

**From:** Thomas Webb  
**Sent:** Tuesday, December 02, 2014 10:32 AM  
**To:** 'Kathy Martinolich'  
**Subject:** RE: Support for the Old Courthouse

Kathy thank you for voicing your support.

This is the level of community support that the federal EPA likes to see when they are evaluating brownfield cleanup grant applications so it definitely helps with our application.

-----Original Message-----

**From:** Kathy Martinolich [mailto:k.martinolich@gmail.com]  
**Sent:** Monday, December 01, 2014 6:35 PM  
**To:** brownfields  
**Subject:** Support for the Old Courthouse

Hi there!

Just writing to voice my support for the cleanup efforts at the Old Courthouse. It's the heart of our downtown and we owe it to ourselves and to the future of Lexington to get it safe and usable again. It's an amazing old building, and neglecting it (as we've neglected and lost so many other historic buildings) would be a crime.

Best of luck on the brownfields application, and please feel free to reach out if you need any assistance--either with applications or cleanup efforts!

Thanks for the hard work!

Kathy

**Thomas Webb**

---

**From:** Thomas Webb  
**Sent:** Monday, December 01, 2014 10:28 AM  
**To:** 'John Clark'  
**Subject:** RE: Old County Courthouse

Thank you for the words of support. This the kind of community support that the federal EPA likes to see when they are evaluating brownfield cleanup grant applications.

---

**From:** John Clark [mailto:stargate3805@aol.com]  
**Sent:** Monday, December 01, 2014 9:50 AM  
**To:** brownfields  
**Subject:** Old County Courthouse

I think that this Building is very worthy and very important and should be restored. It is a very beautiful building.

## Thomas Webb

---

**From:** Thomas Webb  
**Sent:** Tuesday, December 02, 2014 10:34 AM  
**To:** 'Christine Debriffault'  
**Subject:** RE: Input On Grant To Restore Courthouse

Christine thank you for voicing your support.

This is the kind of community support that the federal EPA likes to see when they are evaluating brownfield cleanup grant applications so it definitely helps with our application.

---

**From:** Christine Debriffault [mailto:christinel526@gmail.com]  
**Sent:** Monday, December 01, 2014 5:03 PM  
**To:** brownfields  
**Subject:** Input On Grant To Restore Courthouse

I skimmed through the grant and it looks great!  
I just want to see the Old Courthouse restored to its original plan.  
It's such a beautiful landmark - amidst new buildings like the 21C Hotel and Centre Point - that we desperately need to preserve the beauty that it is on the inside and out.

good luck!  
Christine

**Thomas Webb**

---

**From:** Thomas Webb  
**Sent:** Tuesday, December 02, 2014 11:41 AM  
**To:** 'chuck creacy'  
**Subject:** RE: Courthouse

Hi Chuck. Thank you for voicing your support. This is the kind of community support that the federal EPA likes to see when they are evaluating brownfield cleanup grant applications so it definitely helps with our application.

Your question about the requested amount is a good one. One of the tools used by the federal EPA brownfield program is to promote redevelopment by leveraging dollars. So it is not unusual to receive an EPA cleanup grant that only pays for a portion of the cleanup costs. These dollars are critical though since this funding often can be enough to get the project moving forward on a fast track.

We are applying for the maximum amount available (200K) for this EPA grant cycle and we will provide a 40K local match should we be selected. If we are successful in this federal grant application, there is the possibility of receiving additional EPA cleanup grant funds if other grantees should not use all of their cleanup grant funds but this is not a sure thing by any means.

The state of Kentucky will be issuing a brownfield cleanup grant announcement in 2015 which we will also apply for. I expect these funds will be awarded to successful applicants in amounts of at least 50K.

Since the goal is to provide a "clean shell" to facilitate reuse/redevelopment, I believe that if additional funds are necessary to clean up the old courthouse, they will be found either through local funding, public/private partnerships, additional grant opportunities that we have not yet identified, and other sources.

Thanks again for the input. Let me know if you have more questions.

---

**From:** chuckcreacy@gmail.com [mailto:chuckcreacy@gmail.com] **On Behalf Of** chuck creacy  
**Sent:** Monday, December 01, 2014 4:49 PM  
**To:** brownfields  
**Subject:** Courthouse

To whom it may concern,

We need to find a way to restore the courthouse. I have reviewed the application and fully support this action. My concern is the requested amount. I understand that this appears to be a realistic estimate. Is there opportunity for a second round of grant funding should there be a shortfall?

--

Chuck Creacy  
Publisher, Smiley Pete Publishing  
GoodGiving Guide Founder  
Kentucky Colonel  
Admiral of the Great Fleet of the Commonwealth of Kentucky

12/16/2014

## Thomas Webb

---

**From:** Thomas Webb  
**Sent:** Tuesday, December 02, 2014 12:20 PM  
**To:** 'Fred Mullins'  
**Subject:** RE: Downtown Courthouse

Hi Fred. From our perspective currently the environmental concerns (lead based paint, asbestos, etc) are some of the main obstacles to reusing the building.

The 200K EPA grant we are applying for will hopefully provide the momentum to address environmental concerns at the old courthouse which will make reusing the building feasible.

The Lexington Downtown Development Authority has been tasked with looking into redevelopment options for the Old Courthouse building and that review is still ongoing and (as I understand it) public/private partnerships are part of the redevelopment discussion.

We are looking at all sources of funding that we can identify including Historic Tax Credits, New Market Tax Credits, Tax Increment Financing, and of course grants. If you have more details on the Springfield funding please let me know and I will forward on to the Lexington Downtown Development Authority.

Thank you for your comments.

---

**From:** Fred Mullins [mailto:mullins@alookat.com]  
**Sent:** Monday, December 01, 2014 7:26 PM  
**To:** brownfields  
**Subject:** Downtown Courthouse

A few years ago the city of Springfield, KY told me that they could get a grant from some historic foundation. This grant would allow them to gut the building and then fit it up to my specs...turn around and rent to me for a few dollars a year.

Then my company would locate our business there and hire twenty + employees, hopefully from the college there. I didn't pursue because I want to stay in Lexington.

Why couldn't Lexington do the same ? We will be hiring up to twenty more locals !

Fred Mullins A Look At Media 859-552-7672

## Thomas Webb

---

**From:** Thomas Webb  
**Sent:** Monday, December 01, 2014 4:25 PM  
**To:** 'A.C. Clark'  
**Cc:** 'Brandi Berryman'  
**Subject:** RE: support & queries, Courthouse brownfields grant

Hi Amy. The Division of Environmental Policy also received your letter. We plan to address all comments we receive to the maximum extent possible as we finish drafting the application and all comments we receive will also be submitted to the EPA with the application.

Thanks for taking the time to share your thoughts.

---

**From:** A.C. Clark [mailto:clark.jamestown@gmail.com]  
**Sent:** Monday, December 01, 2014 4:17 PM  
**To:** brownfields  
**Cc:** bberryman@lexingtondda.com  
**Subject:** Re: support & queries, Courthouse brownfields grant

If possible, please acknowledge receipt of this letter for tonight's meeting.  
Best thanks,  
Amy Clark

On Mon, Dec 1, 2014 at 3:59 PM, A.C. Clark <clark.jamestown@gmail.com> wrote:  
Attached is a letter in support of the Courthouse brownfields grant proposal, with some queries. I regret I will not be present for the meeting. If there is a report, please forward.  
Best thanks,  
Amy Clark

628 Kastle Road  
Lexington, Kentucky 40502

Brownfields Program  
Lexington-Fayette Urban County Government  
Lexington, Kentucky

To Whom It May Concern:

I write in support of Lexington's application for EPA Brownfields funds to clean up environmental hazards at the old Fayette County Courthouse so as to restore the building to use.

The courthouse stands at the center of our city. It is grand, elegant, and well worth preserving. It is a building of both public and private significance to me. When it was yet a courthouse, it was the site of an important event in our family's personal history, presided over by the Hon. Mary Noble, who is currently Chief Justice of the Kentucky Supreme Court. Such a design is right to house the administration of justice, and I hope that in the years to come it may continue to be a center for public performance of some kind.

It would be reassuring to learn that the cleanup proposal was prepared with the advice and collaboration of historic restoration professionals; I expect that it was. I have certain queries and concerns, especially regarding the proposed covering, remediation and removal of environmental hazards. Since I do not anticipate being present at the meeting this evening, I give them here:

1) It is advised that some hazards be covered rather than fully removed. To my mind this is only acceptable if there is assurance that "covering" areas does not impede the full restoration and adaptation of historic fabric in the restoration to follow: stripping and finishing surfaces in the best manner, for example, and restoring trim. Will a containment policy set certain elements or areas "off limits" for the ensuing restoration? Are there porous fabrics of historic significance that are designated for removal, and if so, can these be addressed differently?

2) I believe I noticed that removing "divider walls" was not included in the work proposed. It is essential that earlier renovations to the building-- those that closed off open areas, adding a warren of rooms in the center and obscuring the dome, for example-- be removed for a proper restoration. Ought not the budget and planning for the environmental hazards abatement work embrace these too?

3) The company evaluating the structure for this work includes the usual disclaimer that they did not penetrate walls and so forth in their investigation. Has the study been thorough enough to give a reliable estimate of the work, and the hazards, ahead?

4) I am curious about the elevator/s to the dome, to be removed. I hope that these are not elegant historic elements of the building, but rather the sort of later accretions one is eager to see carried off for good.

All in all, it must be emphasized that the proposed removal and abatement of environmental hazards comprises a mere \$.75 million in a restoration project reckoned to claim some \$14.25 million. This is a necessary first step-- on an urgent and important project. Delays have been too long, too costly and too debilitating already.

I look forward to seeing our courthouse restored to glory at the center of Lexington and Fayette. The demolition and destruction at the heart of our city over the past decade has all but driven me from making any but the most necessary trips there. I can scarcely describe how distressing it is to see-- literally, actually, every time one walks the street and looks around and upward. Restoration of the Courthouse stands as a bright hope and comfort in the decade to come.

I thank those of you who have given much time and care to the Courthouse project over a period of many years. I have been unable to locate any definite information about the projected restoration, and would be grateful if I could learn much more of it. Perhaps you could send me some materials.

With every best wish,



**DRAFT Analysis of Brownfield Cleanup Alternatives**  
**Lexington History Museum**  
**215 West Main Street**  
**Lexington, Kentucky 40508**

**Grant Number BF-95461610-1**



Prepared for:

**Lexington-Fayette Urban County Government**  
**Department of Environmental Quality**  
**200 East Main Street, Suite 925**  
**Lexington, KY 40507**

Prepared by:

**AMEC Environment & Infrastructure, Inc.**  
**11003 Bluegrass Parkway**  
**Louisville, Kentucky 40299**

**January 2014**

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Lexington History Museum, 215 W. Main St., Lexington, KY  
Analysis of Brownfield Cleanup Alternatives

## DISTRIBUTION LIST

Analysis of Brownfield Cleanup Alternatives  
Lexington History Museum  
215 West Main Street  
Lexington, Kentucky  
Grant Number BF-95461610-1

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### List of Acronyms and Abbreviations

ABCA	Analysis of Brownfield Cleanup Alternatives
ACM	Asbestos-containing material
AHERA	Asbestos Hazard Emergency Response Act
AMEC	AMEC Environment & Infrastructure, Inc.
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
KDWM	Kentucky Division of Waste Management
LBP	Lead-based paint
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NVLAP	National Voluntary Laboratory Accreditation Program
OSHA	Occupational Safety and Health Administration
O&M	Operations and Maintenance
PLM	Polarized light microscopy
Site	Lexington History Museum, 215 W. Main St., Lexington, KY

## 1.0 INTRODUCTION

This document presents the results of an Analysis of Brownfield Cleanup Alternatives (ABCA) for the Lexington History Museum (Site, Property, or Subject Property) at 215 West Main Street, Lexington, Kentucky. The Lexington-Fayette Urban County Government (LFUCG) was awarded a U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grant for qualified environmental assessment work, a portion of which was used at this site to conduct surveys for asbestos-containing material (ACM), lead-based paint (LBP), and dust containing lead. Other potential hazardous substances were also noted, including mold growth and bird guano. A hazardous materials inventory was also conducted to determine the number of lamps, ballasts, mercury-containing devices, chlorofluorocarbon (CFC)-containing equipment, and polychlorinated biphenyl (PCB)-containing equipment. This ABCA includes a discussion of the following:

- Identification and Development of Cleanup Alternatives
  - Description of Current Situation
  - Establishment of Cleanup Objectives
  - Screening of Cleanup Technologies
- Evaluation of Cleanup Alternatives
  - Technical/Environmental/Human Health/Institutional
  - Cost Estimates
- Justification and Recommendation of Cleanup Alternative(s)
  - Technical
  - Environmental
  - Human Health

### 1.1 Facility Background

AMEC was authorized by the LFUCG to perform sampling of building materials for ACM, LBP, and dust containing lead associated with the Lexington History Museum. The field survey was performed by Mr. Milo Eldridge and Mr. Phillip Applegate, both licensed asbestos inspectors in the State of Kentucky. **Figure 1** is a topographic map of the Site and adjacent areas. **Figure 2** is an aerial photograph of the Site.

Information provided below on property description and history was derived from a Phase I Environmental Site Assessment (ESA) conducted by AMEC (AMEC 2012). The Lexington History Museum building consists of approximately 41,900 square feet and while no build date was provided, according to a plaque mounted on the building, it was constructed between 1898 and 1900. The building has been used as a museum since 2000. Prior to 2000, the building was the Fayette County Courthouse. The property is owned by the LFUCG.

The proposed redevelopment plan for the subject property is still being finalized. Since the building is historic, renovations and restorations will take place to prepare it for continued public or commercial use.

Recognized environmental conditions (RECs) were not identified based on the historical records reviewed and the site visit conducted. However, environmental concerns were noted in connection with ACM, LBP, and mold.

AMEC reviewed a Limited Site Survey of Indoor Air Quality prepared by Air Source Technology, Inc. (ASTI) dated September 20, 2012. Initial laboratory testing for mold spores found three areas on the first floor which susceptible individuals should not enter: the "Fallen Heroes" exhibit, the first floor hallway, and the Public Safety Exhibit. A follow up study was conducted and visible mold was observed above the ceiling on the first floor. According to ASTI, water intrusion appears to be emanating from a second floor balcony.

AMEC reviewed a Lead Paint Inspection Report prepared by the LFUCG Division of Facilities dated July 2012. This report found high levels of lead in the basement and penthouse of the building, and recommended that these areas should be either abated or stabilized by repainting damaged walls and ceilings. For floors 1 through 4, specialized cleaning under a containment setting with monitoring was recommended.

AMEC reviewed an Interpretation of Lead-Based Paint Risk Assessment Report prepared by Compliance Technologies, LLC (CT) dated August 6, 2012. This letter recommended restricting access to the basement and penthouse, and limiting access to the 4<sup>th</sup> floor to staff only. Floors 1 through 3 should be cleaned, and afterward an inspection, cleaning and maintenance regiment should be implemented to reduce the exposure to potential hazards. This report also

recommended airborne lead monitoring be conducted to determine if an airborne lead hazard exists. Finally, CT recommended repair and maintenance items to reduce mold on the first floor. ◦

AMEC reviewed an Asbestos Identification Survey and Inspection Report prepared by the LFUCG Division of Facilities dated July 2012. This report found Asbestos Containing Material (ACM) on all floors of the building, though ACM on the 2<sup>nd</sup> floor was assumed, not confirmed. The report cited potential risks associated with floor tile mastic on the 3<sup>rd</sup> and 4<sup>th</sup> floors, mastic over fiber board on the 3<sup>rd</sup> floor, pipe fittings throughout the building, soil and pipe fittings in the crawlspace, and transite panels and gaskets associated with mechanical systems. Air sampling was conducted and found asbestos levels to be below the Permissible Exposure Limit (PEL).

## 1.2 Survey Results

This section summarizes the results of ACM, LBP, and dust containing lead surveys conducted to date at the Site. AMEC (2013) describes the detailed results of the survey conducted by AMEC.

### Results of ACM Surveys:

AMEC used the asbestos report prepared by the LFUCG Division of Facilities as a base to perform an updated asbestos survey. As part of AMEC's 2013 survey, a total of 48 samples were collected from 19 different homogeneous sampling areas to supplement earlier surveys. For asbestos samples collected during the survey, a unique identification was assigned that identified the homogeneous sampling area and unique sampling number for each sample collected. Asbestos bulk samples and chain-of-custody submittal sheets were delivered to the AMEC laboratory in Atlanta, Georgia for asbestos analysis.

Of the samples collected and analyzed, seven materials were reported to contain asbestos in varying concentrations, including window caulk in the penthouse, white sheef flooring on the 4<sup>th</sup> floor, stairwell tread mastic on the 4<sup>th</sup> floor, black mastic under the carpet, the boiler sealer, boiler gasket and square duct insulation in the boiler room.

In December 2013, TriEco, LLC conducted additional sampling for ACM. A total of nine samples were collected from three different homogeneous areas.

A summary table of all ACM identified as part of the surveys conducted in the building including a determination of quantity based on findings of the three entities (AMEC, LFUCG and TriEco) is included below as Table 1.

**Table 1: Summary of Asbestos-Containing Materials**

Location	Material Location	Material Description	Qty	Condition	Friable? (Y/N)	Notes
Rotunda	Rotunda Penthouse	Cooling Tower Panels (Elevator Panels)	520 SF	Minor Damage	N	
Rotunda	Rotunda Penthouse	Pipe Insulation	10 LF	damaged	Y	
Rotunda	Rotunda Penthouse	Pipe Fitting	6	damaged	Y	
Rotunda	Rotunda Penthouse	Gasket (vibration dampening cloth)	20 SF	Minor Damage	N	Three seen, two at floor level and one on top of elevator control room.
Penthouse	Penthouse Attic	Window Glazing	140 SF	Damaged	Y	Not identified in initial inspection - Older windows. Unable to safely sample - 3 windows.
Penthouse	Exterior Penthouse Room 2	Window Caulking	50 LF	Damaged	N	3 windows.
4th Floor	4th floor	Black Mastic on Floor	3885 SF	good	N	
4th Floor	4th floor	Mastic adhered to existing floor tile	197 SF	good	N	
4th Floor	4th floor	Floor Mastic Under Carpet	4265 SF	good	N	
4th Floor	4th Floor Pipe Chase	Pipe Fitting	15	Minor damage	Y	
4th Floor	4th Floor Pipe Chase	Pipe Wrap (Asbestos in Tar Coating)	50 LF	Minor damage	N	
4th Floor	4th Floor Stairwell	Stair Tread Material/Mastic	220SF	good	N	
3rd Floor	Throughout	Pipe Fitting (some with tar Coating)	91	minor damage	Y	

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Location	Material Location	Material Description	Qty	Condition	Friable? (Y/N)	Notes
3rd Floor	3rd Floor	Black Mastic on Floor	956 SF	good	N	
3rd Floor	3rd Floor	Mastic adhered to existing floor tile	396 SF	good	N	
3rd Floor	3rd Floor	Floor Mastic Under Carpet	6729 SF	good	N	
2nd Floor	2nd Floor	Mastic adhered to existing floor tile	7366 SF	good	N	
2nd Floor	2nd Floor	Floor Mastic Under Carpet	648 SF	good	N	
2nd Floor	2nd Floor	Pipe Fitting	120	minor damage	Y	
1st Floor	1st Floor	Mastic adhered to existing floor tile	2536 SF	good	N	
1st Floor	1st Floor	Floor Mastic Under Carpet	5606 SF	good	N	
1st Floor	1st Floor, Pharmacy & Public Safety	Safe Doors	300 SF	good	N	
1st Floor	1st Floor	Pipe Fitting	104	minor damage	Y	
1-4th Floors	Various Rooms	Fire Doors	10	good	N	assumed doors to stairways and other pertinent areas are fire doors - quantity is estimated
Basement	Basement Crawispaces	Pipe Fitting	90	damaged	Y	
Basement	Basement Crawispaces	Impacted Soil and debris	4500 SF	damaged	Y	
Basement	Basement Boiler Room	Boiler	1	damaged	Y	Sealer, 55 SF Rope Gasket, 24 LF
Basement	Boiler Basement Room 5	Square Duct Insulation	180 SF	good	Y	Boiler Duct
Elevator	Elevator	brake shoes elevator	2	unknown	Y	

**Results of Lead-Based Paint Survey:**

In December 2013, TriEco, LLC used the initial lead based paint survey to conduct a LBP quantity survey and performed some additional sampling for lead-based paint. A total of seven paint chip samples were collected to supplement the original inspection conducted by LFUCG.

Based on the previous survey results, LBP has been identified in the building. A summary table of all LBP identified as part of the surveys conducted in the building including a determination of quantity based on findings of the three entities (AMEC, LFUCG and TriEco) is included below as Table 2. In the penthouse AMEC observed pigeon guano up to three inches thick and in many places the guano is mixed with peeling LBP. The area affected is approximately 50 feet x 70 feet, plus balconies and equipment. AMEC estimates approximately 6,000 square feet with a mixture of guano and flaked LBP.

**Table 2: Summary of Lead Based Paint**

Location	Description	Quantity	Unit	Notes
Penthouse/Rotunda	Walls	6000	SF	Includes ornate plaster
	Ceilings	1200	SF	Includes dome area
	Floors	900	SF	Concrete floor
4th Floor	Walls	0		
	Ceilings	0		
	Floors	0		
3rd Floor	Walls	2364	SF	Room 49 - Wall A/ Room 46 - Wall A, C, D/ Room 45 - Wall C, D/ Room 44 - Wall A, D
	Ceilings	0		
	Floors	0		
	Window Sash	1		Room 49 - Wall A - Right
2nd Floor	Walls	1388	SF	Room 61 - Arches & Short Walls/ Room 70 - Wall A/ Room 69 - Walls A, B, C, D
	Ceilings	8200	SF	Throughout
	Floors	0		
	Window Well	2		Room 65 - Wall C - Left, Right/
	Window Sill	5		Room 67 - Wall D - Left, Room 68 - Wall A - Left, Right, Center and Wall D - Right
1st Floor	Walls	7164	SF	Room 75 - Walls C,B/ Room 76 - Walls B, C/ Room 77 - All Walls/ Room 78 - Walls A, B, C/ Room 79 - Walls A, B, C, D/ Room 80 - Walls B, C, D/ Room 82 - Walls A, B, C, D/ Room 87 - Walls C, D/ Room 97 - Walls B, C, D/ Room 98 - Walls C, D/ Room 100 - Wall D
	Ceilings	4136	SF	Rooms 76, 80, 81, 82, 87, 88, 90, 93, 94, 95, 96, 97
	Floors	0		
	Window Sill	5		Room 82 - Wall B - Left, Right and Wall C - Center/ Room 93 - Wall D - Left/ Room 97 - Wall D - Left
	Window Well	1		Room 88 - Wall C - Left

Location	Description	Quantity	Unit	Notes
	Window Jamb	1		Room 88 - Wall C - Left
Basement	Walls	5760	SF	All walls
	Ceilings	2677	SF	All ceilings
	Floors	2677	SF	All floors
Stairways	Walls	1200	SF	Basement access only

The Department of Housing and Urban Development *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (June 1995), and the EPA *Requirements for Lead-Based Paint Activities in Target and Child-Occupied Facilities* (40 CFR Part 745) provide regulatory and industry guidelines for conducting lead-based paint sampling. Both HUD and EPA have set a threshold of 5,000 parts per million (ppm), or 0.5% by weight, for defining LBP. Additionally, the Consumer Product Safety Commission (CPSC) defines lead-free paint as containing no greater than 0.06% lead by weight. OSHA has no "lower threshold" for exposure of lead, and therefore any remediation contractor should be informed of the results of the survey so the applicable requirements and regulations are followed.

**Results of Lead Dust Survey:**

Using the results of lead dust wipe sampling previously conducted by LFUCG, AMEC collected 20 additional lead wipe samples in order to determine current conditions within the building. Regarding lead dust, the EPA and HUD standard for lead dust is 40 micrograms per square feet ( $\mu\text{g}/\text{ft}^2$ ) on floors, 250  $\mu\text{g}/\text{ft}^2$  on interior window sills, and 400  $\mu\text{g}/\text{ft}^2$  for window troughs. Table 3 below summarizes AMEC's dust wipe sample results.

**Table 3: Summary of 2013 Survey Results – Lead Dust Wipe Samples**

Location	Sample Name	Result ( $\mu\text{g}/\text{ft}^2$ )
Attic Stair Landing Floor	PBD-01	7,100
4 <sup>th</sup> floor Room 22 Floor	PBD-02	47
4 <sup>th</sup> floor N. Stairway floor	PBD-03	360
4 <sup>th</sup> floor Room 8 floor	PBD-04	310
4 <sup>th</sup> floor Lobby N. floor	PBD-05	220

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Location	Sample Name	Result (ug/ft <sup>2</sup> )
3 <sup>rd</sup> floor Room 47 floor	PBD-06	35
3 <sup>rd</sup> floor entry to N. stairway floor	PBD-07	21
3 <sup>rd</sup> floor Room 35 floor	PBD-08	<10
3 <sup>rd</sup> floor Room 45 floor	PBD-09	<10
2 <sup>nd</sup> floor Room 62 floor	PBD-10	150
2 <sup>nd</sup> floor Room 67 floor	PBD-11	24
2 <sup>nd</sup> floor lobby floor	PBD-12	68
2 <sup>nd</sup> floor stairway floor	PBD-13	190
1 <sup>st</sup> floor entrance lobby floor	PBD-14	39
1 <sup>st</sup> floor entrance lobby floor	PBD-15	200
1 <sup>st</sup> floor Room 79 floor	PBD-16	17
1 <sup>st</sup> floor entrance lobby floor	PBD-17	61
1 <sup>st</sup> floor elevator lobby floor	PBD-18	50
Basement floor	PBD-19	340
Basement Mechanical Room floor	PBD-20	920

Based on the results of the lead dust survey, in addition to the areas impacted by lead based paint, the following table represents the additional areas of the building potentially impacted by lead dust which may require additional cleaning or removal. The drop ceiling has not been sampled, but in some areas is located beneath areas painted with loose and flaking LBP.

**Table 4: Lead Dust Impacted Areas**

Location	Description	Quantity	Unit	Notes
4th Floor	Floors	1274	SF	
3rd Floor	Floors	1357	SF	
2nd Floor	Floors	1428	SF	
1st Floor	Floors	2457	SF	
4th Floor	Drop Ceiling	9500	SF	Large amount of insulation and debris above
3rd Floor	Drop Ceiling	9500	SF	
2nd Floor	Drop Ceiling	9500	SF	
1st Floor	Drop Ceiling	8500	SF	

**Other Survey/Inspection Results:**

AMEC counted a total of approximately 455 fluorescent light fixtures in the building, each likely having at least one ballast. No labeled PCB containing light ballasts were observed. AMEC also conducted a visual screening survey of the buildings for the presence of suspected radioactive material containing smoke detectors or lighted exit signs. A total of 25 lighted exit signs were seen in the building along with emergency lighting.

Potential sources of mercury seen inside the buildings included the following:

- 4 foot Fluorescent light tubes – approximately 1,700 light tubes were seen in the building;
- All thermostats inspected were electric. No mercury containing thermostats were seen in the building.

A visual screening survey of equipment within the buildings was conducted to observe and document the presence, location, and condition of equipment which may contain CFC refrigerants such as R-11, R-12, and R-22. Examples of such equipment include refrigerators, air conditioning units, and walk-in coolers and freezers. AMEC visually inspected the equipment for external labels indicating CFC content and serial numbers. AMEC's scope did not include dismantling or opening any equipment. The following equipment was seen on the roof of the warehouse building:

- Approximately 11 window air conditioning units seen within the building

- 3 residential 2 ton air conditioning coil units in the penthouse.

AMEC noted approximately 320 total square feet of mold growth on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors. Some areas have musty odors without visible mold growth.

## 2.0 IDENTIFICATION AND DEVELOPMENT OF REMEDIAL ALTERNATIVES

This section describes establishment of cleanup objectives and screening of remedial technologies.

### 2.1 Establishment of Remedial Objectives

ACM is subject to a variety of regulatory requirements summarized as follows:

- 40 Code of Federal Regulations (CFR) 61 – National Emissions Standards for Hazardous Air Pollutants (NESHAP) requires removal of ACM from buildings prior to renovation or demolition. This typically requires an intrusive investigation to identify ACM hidden in floors, wall, ceilings, etc.
- 40 CFR 763 - EPA Asbestos Hazard Emergency Response Act (AHERA) requires management of asbestos in schools and provides a standard of care for asbestos surveys. AHERA surveys are typically baseline surveys; they do not identify several types of NESHAP regulated materials (e.g. hidden or exterior ACM).
- 29 CFR 1910.1101 – Occupational Safety & Health Administration (OSHA) asbestos regulations require management of asbestos in buildings to protect workers. AHERA surveys meet the OSHA requirement to identify ACM in buildings.

LBP is subject to the following regulation, at a minimum:

- OSHA 1926.62, Safety & Health Regulations for Construction, Occupational Health & Environmental Controls, Lead

In accordance with the current consensus of federal agencies such as the EPA, OSHA, National Institute of Occupational Safety and Health (NIOSH), and Centers for Disease Control (CDC) and industry organizations such as the American Industrial Hygiene Association (AIHA), American Conference of Governmental Industrial Hygienists (ACGIH), and American College of Environmental Medicine (ACOEM), molds are present everywhere (ubiquitous) in the environment (indoors and outdoors) and the mere presence of mold spores detected on an air sample and/or tape sample is not necessarily indicative of a potential hazardous condition.

Currently, the consensus is that there are no known quantities of fungi or molds that would be considered acceptable or unacceptable for indoor environments with respect to health. This is due to the variability of human responses to molds and/or other biological agents and the lack of relevant scientific studies. Therefore, there are currently no permissible exposure limits or threshold limit values for exposures to molds. However, the identification of mold growth in indoor environments should be remediated because mold physically destroys the building materials it is growing on, mold growth is unsightly and may produce offensive odors, and may potentially sensitize and produce responses in allergic individuals.

## **2.2 Exposure Pathways**

If friable and damaged, ACM, unless addressed and included in an Operations and Maintenance (O&M) Plan, can result in exposure to building occupants. Exposure to LBP or dust containing lead of workers during construction projects and during later occupancy of a commercial or industrial facility is governed by U.S. and Kentucky Occupational Health and Safety Administration regulations (e.g., 29 Code of Federal Regulations 1926.62). Exposure to mold can affect humans by three ways: allergic reactions, infections, and toxicity.

## **2.3 Screening of Cleanup Technologies**

This section discusses screening of appropriate cleanup technologies for Site media.

### **2.3.1 General Response Actions**

General response actions describe those actions that will satisfy the site remedial objectives. These include:

- No action;
- Engineering and/or institutional controls;
- Encapsulation;
- Abatement or otherwise removal of the medium; and
- Any combination of the above technologies, as appropriate.

Specific remedial technologies then were identified for these general response actions, as described in Section 2.3.2.

### 2.3.2 Identification of Potential Remedial Technologies

A comprehensive list of cleanup alternatives was assembled for the ABCA. Several remedial technologies or categories of technologies were identified and screened, and are listed below. A list of potential remedial technologies is described in **Table 1**. This table identifies each potential remedial technology, compares the technology against relevant screening criteria, and provides a brief description of each technology and its apparent advantages and disadvantages.

#### ACM:

No Action

Removal/Abatement

Encapsulation

#### LBP/Dust containing Lead/Guano Mixed with LBP:

No Action

Removal/Abatement

Encapsulation

#### Mold:

No Action

Cleaning/Vacuuming

Discarding of Affected Materials

### 2.3.3 Description of Initial Potential Remedial Technologies

#### 2.3.3.1 No Action

Under the no action option, no remedial action or monitoring would be performed, nor would any engineering or institutional controls be implemented. This alternative is provided as a baseline for comparison to the remedial technologies considered.

#### 2.3.3.2 *Removal/Abatement*

**Removal/Abatement of ACM.** This involves removal of ACM identified in the survey, except for certain roofing materials, using a licensed contractor. This precludes having to develop and implement an O&M Plan for friable materials.

**Removal/Abatement of LBP/Dust containing Lead/Guano mixed with LBP.** This alternative involves removal of components with LBP or dust containing lead and properly disposing of wastes. Removal of LBP + dust + guano is included in this category.

#### 2.3.3.3 *Encapsulation and Other Alternatives*

For friable ACM and lead in paint, encapsulation is an alternative which would be designed to prevent exposure to or release of fibers, dust, or other materials containing these substances. For example, an encapsulating acrylic, water-based, low VOC primer and conditioner can be applied to fibrous and porous ACM. This functions as a penetrating and flexible encapsulant and primer to which a topcoat(s) can be applied. Other similar elastomeric acrylic coatings can also be used to encapsulate painted surfaces. Most encapsulants can be brushed, rolled, or sprayed on. If ACM is left in place, i.e., not removed/abated, then an O&M Plan will be required to be developed and implemented. This Plan would detail training requirements for employees and contractors, notification requirements prior to ACM removal activities, administrative procedures covering work that may disturb ACM, maintenance of ACM including routine maintenance and cleaning and discussion of prohibited activities, requirements for removing or disturbing ACM, and requirements for ACM contractors/consultants.

#### 2.3.3.4 *Cleaning/Vacuuming*

Vacuuming can include wet vacuuming to be used only when materials are still wet and should not be used to vacuum porous materials. A High-Efficiency Particulate Air (HEPA) vacuum can be used as part of final remediation after materials have been thoroughly dried and contaminated materials removed.

Cleaning involves removal of mold from non-porous surfaces by wiping or scrubbing with water or water + detergent. Surfaces must be thoroughly dried after cleaning to minimize further mold growth. Biocide (e.g., bleach) may be used but does not remove the mold

#### 2.3.3.5 *Discarding of Affected Materials*

Porous materials that are wet and have mold growth may not be able to be cleaned, since the mold can be difficult to completely remove from empty spaces or crevices. In these cases, the materials may have to be discarded. The typical procedure is to double bag and seal the materials in polyethylene sheeting

#### 2.3.4 **Initial Screening Criteria for Potential Remedial Technologies**

The initial screening of potential remedial technologies has been completed based upon six balancing factors, as described below. The six balancing factors are summarized below.

- *Effectiveness* - Considers the magnitude of risk from untreated contamination or treatment residuals, adequacy of institutional and engineering controls, extent to which beneficial uses are restored or protected, and time until remedial action objectives are achieved.
- *Long-term Reliability* - Evaluates the reliability of the treatment technology, the reliability of engineering and institutional controls necessary to manage risk, and uncertainties in long-term management (operation, maintenance, and monitoring).
- *Implementability & Implementability Risk* - Focuses on practical, technical, and legal difficulties and unknown factors associated with the remedy; the ability to monitor effectiveness; federal, state, and local requirements; and the availability of necessary services, materials, equipment, and specialists. Also looks at potential impacts on the community; potential impacts on workers and site operations; potential impacts on the environment; and the time required to complete the remedial action.
- *Reduction of Toxicity, Mobility, or Volume of Wastes* - Focuses on treatment process used and materials tested; the amount of hazardous materials destroyed or treated; the degree of expected reductions in toxicity, mobility, and volume; the degree to which treatment is irreversible; and the type and quantity of residuals remaining after treatment.
- *State and Community Acceptance* - Considers reuse and future planning.
- *Reasonableness of Cost* - Determines capital, operation and maintenance, and periodic review costs of the remedial action; and the degree to which costs are proportionate to benefits to human health and the environment.

Estimates of construction costs or other costs, if any in later sections, are order-of-magnitude estimates only and are only to be used for comparison of alternatives.

The potentially applicable remedial technologies are evaluated in greater detail in later sections to assist in determining which remedial technology or technologies may be most appropriate for the site. The remedial technologies included in the screening process are grouped into several general response actions, as described in Section 2.3.1, and the results of the screening are summarized in the following sections.

#### *2.3.4.1 No Action*

The No Action option has no inherent implementation risk, has no cost, and is easily implementable. However, the No Action option is not effective and does not offer long-term reliability, because it is not protective of human health and the environment. Furthermore, the cleanup goals for the site would not be met if this option were implemented. However, this alternative will be retained to serve as a baseline.

#### *2.3.4.2 Removal*

**Removal/Abatement of ACM.** For existing friable ACM, abatement provides the best solution for mitigating risks and avoiding later exposure should the site not be maintained properly. Cost will depend on the extent of friable ACM to be abated behind current walls, but this may not be an issue because of the extensive refurbishment that may be required to meet future use plans. ACM abatement, except for certain roofing materials, is retained.

**Removal/Abatement of LBP/Dust containing Lead/Guano mixed with LBP.** LBP, dust containing lead, and guano mixed with LBP removal is a highly labor intensive activity, and creates an increased risk of associated exposure to site personnel. This alternative is retained for removal of flaking paint, paint chips on floors, accumulated dust containing lead, and LBP mixed with guano.

#### *2.3.4.3 Encapsulation and Other Alternatives associated with ACM and Paint*

Encapsulation does not remove the need to maintain friable ACM, so such an approach would require an O&M Plan. To allow for a variety of potential redevelopment scenarios for the interior of the building, encapsulation is not considered viable for friable ACM. However, for LBP, this

alternative is considered appropriate because exposure can be minimized through easily available encapsulation products.

#### *2.3.4.4 Cleaning/Vacuuming for Mold*

Based on the survey, extensive mold growth is not present in the building. It is not considered cost effective to clean the areas affected by mold. Therefore, this alternative is not retained.

#### *2.3.4.5 Discarding of Affected Materials*

This alternative is retained to account for the need to remove the small area of materials with mold growth that cannot not cost effectively be cleaned or vacuumed in place.

### **2.4 Retained Remedial Technologies**

As described in Section 2.3, several potential remedial technologies appeared to meet the screening criteria and are retained for further evaluation. The retained potential technologies are discussed further in Section 3.0.

### 3.0 IDENTIFICATION OF CLEANUP ALTERNATIVES

Based upon the screening in Section 2, the following alternatives were identified, and will be discussed in detail in the subsequent sections:

Alternative No. 1 – No Action

Alternative No. 2 – Removal/Abatement (ACM; flaking & flaked paint; dust containing lead; guano mixed with LBP)

Alternative No. 3 – Encapsulation for Remainder of LBP

Alternative No. 4 – Cleaning/Vacuumping of Mold

Alternative No. 5 – Discarding of Affected Materials

Media (contaminant)	Retained Alternatives
ACM & Dust with Lead	1 – No Action; 2 – Removal/Abatement
LBP	1 – No Action; 2 – Removal/Abatement; 3 – Encapsulation
Mold	1 – No Action; 5 – Discarding

A broad conceptual design and summary of these remedial alternatives is provided to enable adequate evaluation and comparison. It is expected that a final detailed design of the selected remedial alternative will be completed prior to implementation. As part of the design process, necessary modifications to the conceptual design may be necessary. Also note that the cost estimates included in the evaluation are based upon a conceptual design and are provided only to enable comparison of alternatives.

#### 3.1 Alternative 1: No Action

Alternative 1 would involve no remedial actions and serves as a baseline for comparing other alternatives. Facility activities would occur without any restrictions and without regard for existing contamination or conditions.

#### 3.2 Alternative 2: Removal/Abatement

Alternative 2 involves abatement of ACM, dust containing lead, as well as flaking or flaked LBP or guano mixed with LBP as found in the surveys and inspections reviewed in Section 1.2.

It is assumed that ACM in the windows will be abated by removing the glazing and caulking. It is anticipated that if abatement of window glazing is by window removal and replacement, review and approval of a mitigation plan will be required by the Kentucky Historic Preservation Office. Abatement eliminates the risk from friable ACM. However, a basic O&M Plan will also be required for any ACM left in place.

Removal for dust containing lead could include HEPA vacuuming, sweeping floors, and/or wiping affected surfaces. For LBP, flaking paint and loose paint on the floor, dust containing lead, and guano mixed with LBP would be removed and disposed off-site as hazardous waste, if samples fail the Toxicity Characteristic Leaching Procedure for lead.

### **3.3 Alternative 3: Encapsulation**

This alternative involves applying a coating(s) to LBP on walls to remain after removal of flaking and flaked paint. Coating types could include epoxy, acrylic, polyurethane, polyurea, oil-base, and latex. Important properties to consider when choosing a coating include elongation (i.e., elasticity or rigidity), dry film thickness, drying or curing time, and compatibility with existing surfaces. Epoxy-type coatings are widely used for LBP encapsulation. Epoxy coatings generally consist of a three part epoxy-polyamide coating applied in a primary layer, clad layer, and surface layer.

### **3.4 Alternative 5: Discarding of Affected Materials**

For certain materials that cannot be cost effectively cleaned or where the mold cannot be completely removed (e.g., carpet and backing, porous flooring, furniture, wallboard, wood), they will need to be placed in sealed bags or sheeting and discarded as construction waste or other appropriate disposal (e.g., if also ACM, then disposal at a permitted landfill).

## 4.0 EVALUATION OF CLEANUP ALTERNATIVES

In this section, each retained cleanup alternative is described in greater detail. Each alternative was evaluated against: protectiveness, effectiveness, long-term reliability, implementability, implementation risk, and cost reasonableness. Capital and operation and maintenance costs are expressed in 2013 dollars. The cost estimates are not based on contractor bids, and are therefore order of magnitude estimates only.

### 4.1 Alternative 1: No Action

**Protectiveness.** The No Action alternative does not achieve the protectiveness requirements, and the corrective action objectives are not satisfied.

**Effectiveness.** The alternative is not effective at reducing or managing risk. The magnitude of residual risk is unacceptable.

**Long-term Reliability.** This alternative does not achieve long-term reliability.

**Implementability.** The No Action alternative is easy to implement.

**Implementation Risk.** No risk would be incurred during implementation of the No Action alternative.

**Reasonableness of Cost.** No costs would be incurred in implementing the No Action alternative.

### 4.2 Alternative 2: Removal/Abatement

Alternative 2 involves removal of ACM currently identified in the building, with the exception of roofing materials. Alternative 2 also involves removal of flaking and flaked LBP, dust containing lead, and guano mixed with LBP.

**Protectiveness.** This alternative satisfies the protectiveness criterion. Protectiveness is achieved by removal of friable, most of the non-friable ACM, LBP that is currently flaking on walls and paint chips on floors, dust containing lead, and guano mixed with LBP.

**Effectiveness.** This alternative is effective, since the risk of exposure to friable ACM will be mitigated and the risk of non-friable ACM becoming friable is also eliminated. The main hazards

from LBP, which derives from flaking and flaked paint, dust containing lead, and guano are also eliminated.

**Long-Term Reliability.** Removal/abatement is a permanent fix for ACM and LBP, dust, and guano.

**Implementability.** Implementation of Alternative 2 would be moderately difficult. Proper containment and health & safety practices would have to be implemented during removal/abatement, and final air and other clearance samples collected before re-occupation of abated areas would be allowed.

**Implementation Risk.** The implementation risk associated with this alternative is considered low to moderate. Potential ACM behind walls would have to be removed. For cleaning up flaked and flaking paint, dust containing lead, and guano mixed with LBP, contractors will need to include appropriate health & safety considerations.

**Reasonableness of Cost.** A cost estimate for abatement of ACM is included in Table 5, which provides cost details which are for order of magnitude estimating purposes only and assume concurrent abatement of ACM, LBP, dust containing lead, and guano mixed with LBP.

#### 4.3 Alternative 3: Encapsulation

Alternative 3 involves application of coating(s) to paint remaining on surfaces and known to contain lead.

**Protectiveness.** This alternative satisfies the protectiveness criterion. Protectiveness is achieved by minimizing exposure since the current paint will be beneath newly applied coatings.

**Effectiveness.** This alternative is effective, since existing coating technologies are available which have been used in similar applications. To increase effectiveness, it may be necessary during building refurbishment to remove small areas of paint where it is damaged or beginning to flake.

**Long-Term Reliability.** Several types of long-lasting, robust coatings have been developed which should minimize O&M.

**Implementability.** Implementation of Alternative 3 would be relatively easy. Coatings are readily available and application with rollers, brush, or other typical methods for applying paint can be used.

**Implementation Risk.** The implementation risk associated with this alternative is considered low. Coatings can be applied as part of building refurbishment.

**Reasonableness of Cost.** A cost estimate for LBP encapsulation, removal of flaking, flaked, and loose or heavily damaged LBP, mold abatement, and guano removal is provided in Table 5.

#### 4.4 Alternative 5: Discarding of Affected Materials

Alternative 5 involves removal of mold-containing materials that cannot be cost effectively cleaned.

**Protectiveness.** This alternative satisfies the protectiveness criterion. Protectiveness is achieved by removing from the building certain materials with mold growth. However, this alternative assumes that other measures are taken during building refurbishment to eliminate water intrusion after clean-up to minimize later mold growth.

**Effectiveness.** This alternative is effective, since mold growth is stopped by removal of certain affected materials, as long as concomitant efforts are made to eliminate water intrusion or moisture issues during building refurbishment to minimize later growth on surfaces that remain.

**Long-Term Reliability.** Long-term reliability is good, if efforts to eliminate water intrusion and/or moisture issues are also undertaken as part of clean-up (but such efforts are not included in cost estimates for this ABCA).

**Implementability.** Implementation of Alternative 5 would be relatively easy. During building refurbishment if materials such as porous flooring, wallboard, wood, or carpet must be removed, it is assumed disposal can be as construction waste, unless the materials also contain asbestos, lead, or other hazardous substances. In some cases, testing may be required to determine proper disposal methods and locations.

**Implementation Risk.** The implementation risk associated with this alternative is considered low, as long as appropriate PPE is worn by mold remediation contractors and appropriate containment is employed to limit release of mold into the air and surroundings. \*

**Reasonableness of Cost.** The cost estimate for Alternative 5 is included in Table 5.

**Table 5: Cost Estimates for Alternative 5**

Fayette County Courthouse Cost Estimate / Assumes Scale Wages

Contaminant or Component	1st Floor	2nd Floor	3rd Floor	4th Floor	Basement	Rotunda	Crawspaces to 3 <sup>rd</sup>	Contractor Markup (10%)	Total Cost Estimate by Contaminant or Component
Asbestos	\$23,726	\$15,852	\$24,152	\$16,561	\$9,500	\$4,883	\$72,106	\$16,681	\$183,486
LEP/Final Clean Up	\$16,751	\$10,951	\$5,655	\$3,734	\$15,323	\$40,395	\$0	\$9,281	\$102,090
MPE/Lights	\$22,305	\$22,305	\$22,305	\$22,305	\$22,305	\$60,000	\$0	\$17,783	\$195,278
Elevator Removal	\$0	\$0	\$0	\$0	\$0	\$8,500	\$0	\$850	\$9,350
Scaffolding	\$0	\$0	\$0	\$0	\$0	\$40,500	\$0	\$4,050	\$44,550
Drop Ceilings	\$10,800	\$10,800	\$10,800	\$15,800	\$0	\$0	\$0	\$4,820	\$63,020
Guano	\$0	\$0	\$0	\$0	\$0	\$24,000	\$0	\$2,400	\$26,400
<b>Total Cost Estimate by Area</b>	<b>\$73,585</b>	<b>\$59,908</b>	<b>\$62,912</b>	<b>\$56,420</b>	<b>\$53,128</b>	<b>\$178,278</b>	<b>\$72,106</b>	<b>\$66,834</b>	<b>\$614,173</b>

\* MPE = mechanical, plumbing, & electrical  
 For additional assumptions, see Section 5.0 of the ABCA

Additional Tasks	Cost Estimate
Mobilization	\$3,000
Develop Specifications for Abatement	\$14,000
Containment Teardown & Demobilization	\$5,000
Reports	\$15,000
O&M Plan	\$5,000
Project Management, Clearance Testing, & Oversight	\$45,000
<b>TOTAL Additional Tasks:</b>	<b>\$87,000</b>

**Total Cost Estimate: \$614,173 + \$87,000 + 10% contingency = \$771,290**

## 5.0 RECOMMENDED CLEANUP ALTERNATIVES

The selection of the recommended cleanup alternatives is based upon the evaluation and comparison of alternatives contained within preceding sections of this report.

Based upon the evaluation of the technologies, the recommended remedial alternatives are as follows:

Alternative No. 2 - Removal/Abatement (ACM; LBP that is flaking or is on floors; it should be assumed that all flaking and flaked paint contains lead; dust containing lead; and guano mixed with LBP).

Alternative No. 3 - Encapsulation for LBP that is not flaking or flaked or badly damaged.

Alternative No. 5 - Discarding of Certain Affected Materials with Mold

Media (contaminant)	Alternatives
Asbestos; dust containing lead; guano mixed with LBP	2 - Removal/Abatement
LBP	2 - Removal/Abatement; 3 - Encapsulation
Mold	5 - Discarding of Affected Materials

ACM identified in Table 1 will be abated, with the potential exception of safe and fire doors. These doors will either remain or be replaced.

Per 401 KAR 58:040 (Requirements for Asbestos Abatement Entities), disposal will occur at a landfill that has approval from the KDWM to accept asbestos-containing waste according to the provisions of Title 401, Chapter 47, and shall meet all other applicable local, state, and federal laws.

LBP that is not flaking, flaked, or heavily damaged will be encapsulated with a durable, compatible coating system. Prospective vendors will be contacted and their products researched to determine which is best for this application (e.g., Fiberlock Technologies, Inc. LBP encapsulants).

LBP identified in previous and current surveys that is flaking, flaked, or heavily damaged, dust containing lead, and LBP mixed with guano will be abated. Clean-up criteria for surfaces with dust containing lead will be determined after a detailed building renovation/restoration and future use plan has been developed.

The scope of work for cleanup of the building includes removal of other regulated materials such as fluorescent lamps, ballasts, mercury-containing devices, CFC-containing equipment, and PCB-containing equipment. Alternatives for such items were not considered.

The following list of assumptions is relevant to the cost estimates and proposed work:

1. Only walls and ceiling components with identified Lead Based Paint (LBP) will be encapsulated following removal of loose and peeling paint. All remaining surfaces that did not contain LBP as identified through testing, have been removed from the scope of work and are not included in the estimates provided.
2. Mold identified on surfaces, including walls and drop ceiling tiles, will be stabilized during the LBP management and ceiling tile removal.
3. Water intrusion to deter future mold growth will be managed by others. Assistance will be provided during the abatement, demolition, and stabilization process to identify potential water intrusion areas.
4. Removal of one (1) elevator will be necessary to remove the mechanical components from the 4th floor areas. The shaft will be left open following abatement, demolition, and stabilization efforts. A cost to re-install the elevator is not included in the estimates provided.
5. An allowance has been placed into the estimate to allow for a 400 amp electrical panel and temporary service provisions to each floor. Usage fees have been included in the estimates. Temporary provisions will remain upon completion for re-construction purposes.
6. Estimate has been determined based on wages from the U.S. Department of Labor.
7. Pricing assumes that a Structural Engineer has evaluated and confirmed that the mechanical room floor can support the required weight of scaffolding anticipated and

also that the dome and access areas can support the man/weight required for stabilization and removal of guano.

- 8. Light fixtures and ballasts are included in the cost of removal and disposal.
- 9. No testing, removal, or disposal of miscellaneous stored chemicals is included in the estimate provided.
- 10. Ceiling tile and grid are included as funded items due to potential LBP & mold and for access to LBP painted areas required for stabilization throughout the building.
- 11. Crawl space areas have been estimated based on limited visual inspection and provided drawings. It is anticipated that 3" of existing dirt floor surface inside the crawl space areas will be removed due to damaged ACM.
- 12. All floors will be cleaned in preparation of remodeling upon completion of demolition, abatement, and stabilization.
- 13. Depending on the renovation plan, pricing has been provided for complete abatement of all carpet glue.
- 14. No destructive sampling was performed during the inspection(s) process. Hidden or inaccessible materials may be encountered during the demolition / abatement process. These materials have not been accounted for by any allowance within this cost estimate.
- 15. Pricing does not include any ceramic tile, bathroom fixtures, or divider wall removal.

An O&M Plan will be required for remaining LBP or ACM. Other constraints/conditions include:

- Contractors associated with the renovation activities should be trained in 'lead safe work practices', follow all applicable OSHA regulations regarding renovation and LBP, including requirements for air sampling and respirator use (if applicable), and perform a Toxicity Characteristic Leaching Procedure (TCLP) analysis of a sample of the representative waste stream for lead prior to disposal to determine if the waste is considered hazardous as it relates to lead.
- All contractors and employees should be alerted to the presence and location of the identified LBP, dust containing lead, and LBP mixed with guano and associated hazards, in accordance with applicable OSHA regulations.

- Employees who work with LBP or dust containing lead should be provided with proper personal protective equipment, as well as the appropriate removal equipment, training and licensure as applicable.
- All LBP, materials mixed with LBP, or dust containing lead must be disposed of in accordance with the Federal, State and Local regulations.
- Removal of LBP or materials containing lead should be monitored to ensure that no lead dust is released into ambient air. Air monitoring must be performed in accordance with applicable regulations and potentially affected employees must be notified of any LBP work.
- If deemed necessary, a standardized specification for abatement should be established for the removal of ACM and LBP. It is recommend that a licensed ACM and LBP designer develop the specification to address important issues including an accurate scope of work, regulatory requirements, insurance requirements, notification procedures, air sampling requirements, and other pertinent information.
- If concealed LBP or ACM is observed during renovation activities, it will be necessary to investigate and collect samples in order to confirm the presence or absence of LBP or ACM.

For remediation of mold, professional judgment will be used to determine the methods, PPE, and containment needed. A more in-depth mold survey may also be required to develop a remediation plan. Cost estimates in this ABCA have not considered application of mold resistant, fungicidal, or other specialty coatings on surfaces affected by mold. Also, waterproofing of building materials or components has not been considered and is assumed to be part of other building refurbishment. Any materials discarded because of mold growth should be properly disposed based on whether ACM, LBP, and/or other hazardous substances are present.

During removal of hazardous materials such as fluorescent lamps, etc., the following precautions and steps should be taken:

- Ballasts and/or equipment manufactured subsequent to 1979 were required to be labeled as not containing PCBs. Therefore, ballasts and/or equipment observed labeled "No PCBs" are considered to not contain PCBs. If the "No PCBs" label is not observed, a ballast should be assumed to contain PCBs.
- Fluorescent lighting ballast for the building may also contain di (2-ethylhexyl) phthalate (DEHP), which was used a replacement for PCB until around 1991. DEHP containing ballasts should also be handled and disposed of in accordance with applicable regulations.
- In accordance with current Kentucky Division of Waste Management recommendations, AMEC recommends that during renovations if PCB containing or unlabeled ballasts are found, the equipment and ballasts be removed and disposed of by a qualified hazardous waste contractor and sent to an EPA and Kentucky approved recycling facility.
- Leaking or suspected leaking PCB-containing equipment and/or ballasts should be segregated from the other non-leaking items and immediately placed in sealed 6-mil thick plastic bags and/or lined 55-gallon metal drums for handling and disposal at an approved incinerator.
- Workers who handle hazardous materials should be trained in safe and proper hazardous materials handling procedures.
- All hazardous materials leaving the property should be transported to a licensed hazardous waste recycling/disposal facility under a properly executed Uniform Hazardous Waste Manifest or alternate.
- Low-mercury or "green end cap" lamps are not mercury free and must still be recycled or managed by an authorized facility in accordance with the Mercury-Added Consumer Products Law, which became effective July 12, 2005.
- Additional types of fluorescent lamps that may be discovered in the buildings during renovation activities that do not have the green painted end caps or green stamped writing, should be assumed to contain concentrations of mercury and other metals such as cadmium and lead higher than the regulatory limits and should be considered as an EPA Universal Waste.

- In accordance with current EPA regulations, fluorescent light tubes, including low-mercury or "green end cap" lamps, HID lamps, and mercury-containing thermostats and other sources should be removed, packaged, transported, and recycled (unbroken bulbs) or incinerated at an EPA and/or State approved facility by a qualified hazardous waste contractor in accordance with State Hazardous Waste Regulations or the Universal Waste Rule.
- If any radioactive sources are found during renovation, AMEC recommends the smoke detector units or exit signs with radioactive sources be removed, packaged, and returned to the manufacturer for recycling, reuse, or proper disposal.
- The EPA requires all CFC refrigerants be properly evacuated from equipment prior to dismantling and/or demolition. AMEC recommends that the equipment be inspected and, if necessary, the refrigerant be evacuated and recovered by technicians properly trained in accordance with the EPA approved program.
- Under the Clean Air Act, the EPA has regulated CFCs in EPA regulation 40 CFR 82, Subpart F. CFCs are regulated materials by the EPA and must be handled and recycled or disposed of in accordance with EPA Federal Regulations 40 CFR 82 by an EPA qualified, trained specialist.
- AMEC recommends that a certificate of recycling or disposal should be provided for removed CFCs.

Total estimated cost is approximately \$771,290.

## 6.0 REFERENCES

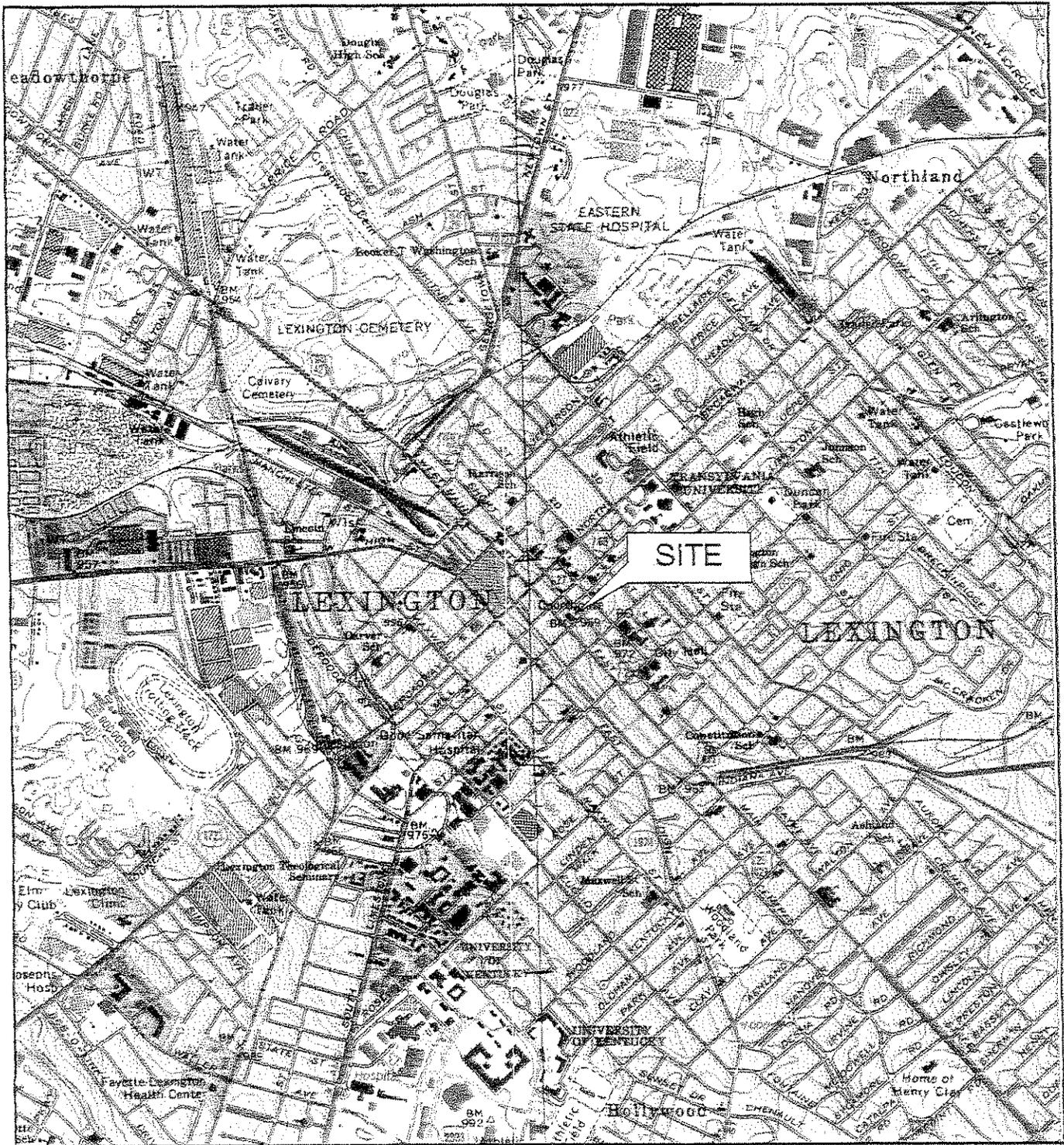
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AMEC, 2013. *Limited Hazardous Building Material Survey, Historic Fayette County Courthouse, 215 West Main Street, Lexington, Kentucky*, September 2013.

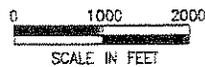
## **FIGURES**

**Figure 1: Site Location Map**

**Figure 2: Site Aerial Photo**



SOURCE: USGS 7.5' TOPOGRAPHIC QUADRANGLE  
MAP, LEXINGTON EAST 1965. REVISED 1993.



**amec**  
2456 Fortune Drive, Suite 100  
Lexington, Kentucky 40509  
Phone: (859) 255-3308

**TOPOGRAPHIC MAP**

215 WEST MAIN STREET  
LEXINGTON KY, 40509

PROJECT NUMBER: 564420001

SCALE	1" = 2000'
DATE	10/26/2012
DRAWN BY	CSRP
APPROVED BY	RDM

**FIG.**  
**1**



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 50 100 200



SCALE IN FEET



NORTH



2456 Fortune Drive, Suite 100  
Lexington, Kentucky 40509  
Phone: (859) 256-3306

**AERIAL PHOTOGRAPH**

LFUCG BROWNFIELDS  
215 W MAIN STREET  
LEXINGTON, KENTUCKY

PROJECT NUMBER: 564420001

SCALE	1" = 200'
DATE	1/8/2014
DRAWN BY	TMR
APPROVED BY	RDM

FIG.  
2